

BSAI Pacific Cod Trawl Catcher Vessel Fishery
Preliminary Information and Request for Clarifications
June 2018 NPFMC Meeting
Kodiak, Alaska

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1 Introduction

At its December 2017 meeting, the North Pacific Fishery Management Council (Council) adopted a purpose and need statement and initiated an analysis to limit participation in the BSAI non-CDQ Pacific cod trawl catcher vessel fishery, which are provided below. Staff has begun the development of the proposed amendment package and anticipates presenting an initial review draft at the October 2018 Council meeting in Anchorage¹.

At this meeting, staff is requesting clarification on specific aspects of the motion and is providing updated fishery information. The requested clarifications are to ensure the analysis captures the Council's intent. The updated information provides summaries of the BSAI Pacific cod non-CDQ trawl fishery, estimates of the number of catcher/processors (C/Ps) that could take deliveries of BSAI Pacific cod from trawl catcher vessels (CVs) under the Council's alternatives, and the number of LLP licenses that could be used to deliver Pacific cod harvested from the BSAI non-CDQ trawl CV allocation to C/Ps acting as a mothership (MS).

Also included is a discussion of the 2018 Aleutian Islands (AI) non-CDQ Pacific cod trawl fishery. That description focuses on how the A season functioned relative to how it was intended to function when the Council approved Amendment 113 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP). The document also provides a discussion of the interactions between the two proposed Pacific cod analyses, with a discussion of how analysis of the proposed changes in the two proposed amendment packages may interact during the development of the regulatory packages. An early estimate of the timeline for the two analyses is included. The timeline assumes the papers will be analyzed as separate amendments. That assumption was made to show an optimistic timeline for each amendment and does not presume whether the Council will ultimately choose to combine the two amendment packages.

Purpose and Need Statement

During development of Amendment 80 to the Bering Sea and Aleutian Islands Fishery Management Plan and associated rule making, the Council was silent on the ability of catcher processors defined in Amendment 80 to act as motherships in limited access fisheries. Recent increases of Amendment 80 catcher processors acting as motherships has resulted in an increase in the amount of Pacific cod delivered to Amendment 80 catcher processors, an increase in the number of catcher vessels delivering Pacific cod to motherships, and a decrease in the amount of Pacific cod delivered to shoreside processing facilities. The Council is concerned about the impacts of the recent increases and potential for future growth in offshore deliveries of Pacific cod to Amendment 80 vessels or other vessels operating as motherships, and the potential impacts those increases could have on shoreside processors, communities, and participating catcher vessels. The Council intends to address the activity of vessels acting as motherships.

In addition, there are 108 licenses endorsed to fish in the BSAI trawl cod fishery including 76 exempt and non-exempt AFA vessels. Information shows a large number of AFA endorsed vessels are not participating, but whose catch history contributes to the AFA Pacific cod sideboard in the Bering Sea trawl cod fishery. These AFA-endorsed vessels that are not participating also benefit from the secure allocation of pollock. Despite a high level of latency, the pace of the fishery has increased shortening the season, resulting in decreased ability to maximize the value of the fishery and negatively impacting fishery participants. Additional entrants could exacerbate these issues and threaten the viability of the fishery. The Council is considering improving the prosecution of the fishery, with the intent of increasing the value of the fishery, by considering limiting entry of vessels that have not participated or have not participated recently.

¹ The proposed timeline is dependent on changes to the alternatives that may be adopted at the June meeting.

Alternatives and Options

Alternative 1. No action

Alternative 2. A catcher processor may take deliveries of Pacific cod from catcher vessels participating in the Bering Sea Aleutian Islands (BSAI) non-CDQ Pacific cod trawl fishery if the catcher-processor acted as a mothership and received Pacific cod deliveries as follows:

Option 1: Amendment 80 catcher processors acting as motherships during 2015-2017

Sub-option 1.1: in any year

Sub-option 1.2: in any two years

Sub-option 1.3: in any three years

Option 2: Non-Amendment 80 vessels acting as motherships during 2015-2017

Alternative 3. The total amount of BSAI non-CDQ Pacific cod catcher vessel trawl sector allocation that can be delivered to Amendment 80 vessels acting as a mothership is equal to the percentage of trawl catcher vessel sector's BSAI Pacific cod delivered to catcher processors acting as motherships relative to the total BSAI catcher vessels trawl catch between:

Option 1: 2015-2017

Option 2: 2016-2017

Option 3: 2008-2017

Alternative 4: Prohibit use of LLP licenses in the BSAI trawl cod fishery that are not attributed to a directed BSAI trawl cod landing between:

Option 1: 2010-2017

Option 2: 2012-2017

Option 3: 2010-2015

Option 4: 2012-2015

The Council establishes a control date of December 31, 2017, that may be used as a reference date for a future management action to limit catcher-processor vessels from acting as motherships in the BSAI trawl catcher vessel Pacific cod fishery.

2 Clarifications and Assumptions Regarding the Alternatives

Information in this section was developed for two purposes, to request clarification for specific components of the Council's motion and to provide the Council with staff's assumptions that will be used in the analysis, unless the Council wishes to provide further direction. The discussion is divided by the alternatives approved at the Council's December 2017 meeting.

Alternative 1 is the No Action alternative. Based on NMFS guidance² "the key is to provide a meaningful analysis of anticipated results of the proposed action relative to the status-quo fishery management regime." For the BSAI Pacific cod trawl CV fishery, the No Action alternative will be affected by any action the Council may take on the proposed amendments to the Aleutian Islands Amendment 113 to the BSAI FMP. The ultimate outcome of that action is unknown at this time, but the actual or anticipated actions relative to that issue will be considered as part of the status quo in this action. Conversely, the potential changes in this proposed action will need to be considered as part of the Status Quo when the

² http://sero.nmfs.noaa.gov/sustainable_fisheries/more_info/sefsc_sero_mtg/documents/pdfs/nmfs_nepa_policy_directive.pdf

Aleutian Islands Pacific cod amendment package is being developed. This issue is also discussed in more detail in Section 8.1.

Staff Assumption 1: Trawl CV deliveries of directed BSAI non-CDQ Pacific cod to true MS are not part of Alternative 2. True MS vessels will be allowed to take deliveries from trawl CVs in the directed BSAI non-CDQ Pacific cod fishery. The amount of deliveries they accept is only limited by the trawl CV allocation of BSAI non-CDQ Pacific cod.

Alternative 2 addresses which vessels will be eligible to take deliveries from CVs when they are participating in BSAI non-CDQ Pacific cod directed fishing. The purpose of this alternative is to limit the ability of certain C/Ps to act as motherships in the BSAI non-CDQ Pacific cod trawl directed fishery. The alternative has qualifying options for Amendment 80 C/Ps and Non-Amendment 80 vessels. Based on the Council's language introducing the two options, the Non-Amendment 80 vessels are defined as C/Ps acting as a MS that do not fall under Option 1 (i.e., that are not Amendment 80 C/Ps). Because the action is limited to C/Ps, it excludes all American Fisheries Act (AFA) (listed in the AFA) and non-AFA true motherships and stationary floating processors. Excluding true MS means that any eligible trawl CV will continue to be allowed to make directed BSAI non-CDQ Pacific cod deliveries to the vessels when the BS and/or AI non-CDQ Pacific cod CV trawl fishery is open to directed fishing.

As of March 2018, the Federal Fisheries Permit file listed six vessels with a MS endorsement that were also endorsed for the BSAI but did not have a C/P endorsement. Three of those vessels were the AFA listed motherships. These three vessels are only endorsed to operate as a MS in the BSAI. The other three were not associated with any other Limited Access Privilege Program and were endorsed to operate as a MS in the BSAI and GOA³. One of the three AFA motherships and one of the non-AFA motherships took deliveries of targeted BSAI non-CDQ Pacific cod trawl CV landings during the MS qualifying period. The non-AFA MS is reported as a shoreplant in the Catch Accounting System (CAS) data because it has operated in State waters and taken deliveries in a mode more like a shoreplant than an at-sea MS but was not required to operate as a stationary floating processor.

Staff Assumption 2: Without further direction from the Council - staff will use the CAS target definition. This was the approach used under the yellowfin sole action to determine which vessels qualified under that program (BSAI FMP Amendment 116).

Qualification for future participation under Alternative 2 is based on the C/P vessel having taken "deliveries" of Pacific cod during specific sets of qualifying years defined in the Council's alternatives. The term deliveries are not defined and could be interpreted as either "targeted" Pacific cod deliveries or "directed fishing" Pacific cod deliveries. The definition of targeted deliveries is presented in Section 5.3, and the definition of directed deliveries is located in § 679.2. However, it is worth noting that the NMFS targeting definition in the CAS for MS deliveries is based on the aggregated weekly deliveries of all CVs to the MS by statistical area and gear type. This targeting definition could include deliveries from more than one CV to a MS during the week and the deliveries from each CV could vary in the proportion of Pacific cod relative to other species. If individual trips/landings were used to determine the target fishery, some MS and the CVs that delivered could qualify when they would not under the CAS target definition. Estimates of the change in the number of MS that would qualify under Alternative 2 and the number of CVs that would qualify under Alternative 4 are presented in Section 5.3.

³ The MS endorsement is for 3 – 200 miles offshore. These vessels did not have a Stationary Floating Processor (SFP) endorsement.

Staff Assumption 3: The MS limit would be associated with the LLP license used on a C/P acting as a MS during the qualifying period (see Section 3).

The MS limit could be applied to either the vessel or the LLP license (since the action only applies to C/Ps). The total number of vessels and licenses that would qualify are equal. If the limit is applied to the LLP license it could be moved between vessels owned by the company when the LLP license is transferred; if it was applied to the vessel, only that vessel could act as a MS unless it was replaced through the vessel replacement provision(s).

Staff Assumption 4: The Council may wish to modify Alternative 3 so that the calculation of the limit is consistent with the users of the limit. For example, the language could be changed to one of the following:

Alternative 3 would create a limit on the percentage of the BSAI non-CDQ Pacific cod trawl CV allocated that could be delivered to **Amendment 80 C/Ps** acting as a MS. Limits on the percentage of the BSAI non-CDQ Pacific cod trawl CV TAC that could be delivered to Amendment 80 C/Ps acting as MSs would be **calculated based on the “the percentage of trawl CV sector’s BSAI Pacific cod delivered to C/Ps acting as motherships relative to the total BSAI trawl CVs catch” during the qualifying period.** The calculation would be estimated as the total catch of non-CDQ Pacific cod that BSAI trawl CVs delivered to C/Ps acting as a MS divided by the estimated total catch of BSAI Pacific cod by all trawl CVs during the qualifying period. This would increase the allocation to the Amendment 80 C/Ps acting as MSs relative their historic deliveries and continue to allow any non-Amendment 80 C/P acting as a MS and any other true MS to continue taking deliveries within the non-CDQ trawl CV allocation in the BSAI⁴. The following are two examples of how the language could be modified:

- *The total amount of BSAI non-CDQ Pacific cod trawl CV sector allocation that can be delivered to **Amendment 80 vessels** acting as a mothership is equal to the percentage of trawl CV sector’s BSAI non-CDQ Pacific cod delivered to **Amendment 80 C/Ps** acting as motherships relative to the total BSAI trawl CVs non-CDQ Pacific cod catch; or*
- *The total amount of BSAI non-CDQ Pacific cod trawl CV sector allocation that can be delivered to **C/Ps** acting as a mothership is equal to the percentage of trawl CV sector’s BSAI non-CDQ Pacific cod delivered to **C/Ps** acting as motherships relative to the total BSAI CVs trawl non-CDQ Pacific cod catch;*

The options above could also be designed so that the limit is only based on the C/Ps that qualify or only on targeted Pacific cod landings. Whichever option the Council selects will need to be structured and managed to meet its goals and objectives for the program. The structure and management may become complicated if directed fishery allowances need to be set for two groups (the qualified C/Ps and the true MS, floating processors, and shorebased processors) and as many as three ICAs⁵ need to be set.

Staff Assumption 5: Unless directed otherwise, staff would calculate the MS delivery limit to certain C/Ps for the entire year.

Based on the current language the limit could be a combined limit that would apply to the A, B, and C seasons. However, since most of the discussion surrounding this issue has focused on the A season (or A

⁴ Amendment 113 regulations and any future modifications to those regulations will also limit the amount of the AI set-aside that can be delivered to a non-AI shorebased processor.

⁵ ICAs could be set for the two directed fishing allowance groups as well as the C/Ps that do not qualify to act as a MS. How those ICAs are set and managed would have differential impacts on the various sectors (e.g., if the ICA was deducted off the top of the non-CDQ trawl CV allocation or it was deducted from limits set under Alternative 3.

season and B season), the Council could restrict the delivery limit to the A season (based on A season catch). If the limit is calculated on an annual basis it may be possible that MS deliveries that occurred during the B and C season could be shifted to the A season. This could be prevented by applying the action to just the A season or having limits apply to each of the three seasons, as opposed to an annual limit. The seasonal breakout of non-CDQ deliveries is discussed in more detail in Section 7.1.

Another issue with Alternative 3 is confidentiality of data. Because only two C/Ps (one AFA and one Amendment 80) acted as a MS in the BSAI Pacific cod fishery prior to 2015, if the percentage of catch presented in Option 3 is in conjunction with Options 1 or 2, the reader could calculate the percentage of the BSAI Pacific cod that were delivered from 2008 through 2014. Providing that information is prohibited by the confidentiality standards. As a result, **data on the percentage that would be available to the eligible MS is not presented in this document, since it could limit our ability to present additional data after the Council clarifies its intent.**

Staff Assumption 6: The BSAI delivery limit to certain C/Ps acting as a MS would be for the entire BSAI.

If the percentage under Alternative 3 is established in regulation, it is assumed that it would apply to the BSAI as a whole. Separate percentages would not be established for the BS and AI. Once the limit is reached, CVs would not be allowed to deliver Pacific cod from the directed Pacific cod fishery to certain C/Ps acting as MS. Any C/Ps excluded from the limit and all true MS would be allowed to take directed Pacific cod deliveries from trawl CVs as long as the area's non-CDQ trawl CV Pacific cod fishery was open to directed fishing. All vessels acting as a MS would also be allowed to retain incidental catch amounts of Pacific cod when the directed fishery is closed as long as BSAI Pacific cod has not been not placed on prohibited species status.

While staff has assumed that the limit would be for the BSAI, the structure of the AI action could affect the ability of C/Ps to operate in the AI as they have in the past. If the limit is based on all BSAI deliveries and only deliveries are made in the BS the protections for BS shoreplants could be somewhat diminished as a result of additional protections for the AI shoreplant(s). Calculating the limit based on only BS deliveries could provide greater protections for the BS shoreplants.

Staff Assumption 7: The BSAI delivery limit to certain C/Ps acting as a MS would be treated as a sideboard limit and not an allocation.

The structure of the alternative limits the amount of Pacific cod harvest that “can” be delivered to certain vessels acting as a MS. Because a converse limit is not applied to the shorebased deliveries, true MSs are excluded from this action, and not all C/Ps may be limited, it is assumed that any limit established for C/Ps acting as a MS would be treated as the Council typically treats “sideboard limits”. The limited C/Ps may take deliveries up to the limit, but they are not guaranteed that amount.

Staff Assumption 8: A “directed BSAI trawl Pacific cod landing” during the qualifying period is a directed BSAI trawl CV Pacific cod landings in the non-CDQ BSAI trawl CV Pacific cod fishery.

Selecting Alternative 4 would prohibit the use of LLP licenses in the BSAI non-CDQ Pacific cod trawl CV fishery that did not have a “directed” BSAI trawl Pacific cod landing during the qualifying period. Staff interprets this language to mean the following:

- a. A directed BSAI trawl Pacific cod landing is a landing defined as a Pacific cod non-CDQ trawl target fishery landings as reported in the CAS data.

- b. The limit would only prohibit a LLP license from being used in the BSAI non-CDQ trawl CV fishery.
- c. The LLP license could still be used when harvesting BSAI Pacific cod from a CDQ fishery allocation.
- d. If an LLP licenses only had BSAI trawl Pacific landings in the CDQ fishery it would be prohibited from fishing BSAI Pacific cod trawl fishery in the non-CDQ fishery in the future.
- e. The limit would not impact non-trawl Pacific cod endorsements on an LLP license.
- f. The limit would not impact C/Ps LLP licenses if they are used to harvest Pacific cod from a BSAI C/P allocation.

Staff Assumption 9: The qualification criteria under Alternative 4 would be applied to all LLP licenses with a trawl endorsement for the BS or AI.

Because C/P LLP licenses can be used on CVs, the limit would not be restricted to BSAI LLP licenses with a trawl CV endorsement. Any LLP license with a C/P trawl endorsement would need to have made a directed BSAI non-CDQ Pacific cod trawl landing when acting as a CV to participate as a CV in the fishery in the future.

Staff Assumption 10: The proposed limit does not apply to BSAI trawl C/P LLP licenses when acting as a C/P in the Pacific cod fishery.

Assumption 10 is based on the understanding that this action is intended to only limit activity in the CV trawl sector. The BSAI Pacific cod allocations to the C/P sectors are not directly impacted by this action and the limits on LLP licenses should not extend to those sectors.

The Pacific cod C/P sectors have their own allocations (Amendment 80 C/Ps are allocated 13.4% and AFA C/Ps 2.3% of the total BSAI non-CDQ TAC). Since 2011, the Amendment 80 C/P allocation has been fished under a cooperative management structure which is prohibited from exceeding the cooperative allocation. The AFA C/P allocation has been fished under a fishing plan agreement.

Staff Assumption 11: Interpreting the term “directed BSAI trawl Pacific cod landing” - in past actions (e.g., yellowfin sole TLAS) the Council used a CAS target fishery definition as opposed to the directed fishery definition. The same logic is proposed under this action. Use of the directed fishing definition at § 679.2 could allow additional vessels to qualify since any Pacific cod landing above the maximum retainable amount (MRA)⁶ when the Pacific cod fishery is open would be included. The use of the target fishery landing sets a slightly higher bar, since the greatest percentage of catch must have been Pacific cod on a given landing. The selection of the definition could have different impacts if it was applied at the landing level or the weekly target level that is used for mothership deliveries.

In later sections the data to describe the impacts of the various decisions are presented in terms of the number of MSs and LLP licenses that would qualify. Information on the percentage of the BSAI non-CDQ trawl CV TAC that would be available to the trawl CVs delivering to MSs is not presented since it could limit the analyst’s ability to present additional information in future documents.

⁶ The Pacific cod MRA is set at 20% of all BSAI basis species (see Table 11 at 50 CFR 679).

3 Alternative 2: C/Ps Acting as a Mothership

Alternative 2 contains two options that would limit the C/Ps that could act as a MS in the BSAI Pacific cod trawl CV fishery. Option 1 is specific to Amendment 80 C/Ps. Option 2 would apply to any non-Amendment 80 trawl C/P that acted as a MS and took targeted⁷ BSAI non-CDQ Pacific cod trawl CV deliveries during the qualifying years.

Amendment 80 vessels and Amendment 80 LLP licenses were established when that program was implemented. Under the Amendment 80 program (72 FR 52667), NMFS determined that 28 vessels met the criteria for participation as Amendment 80 vessels and therefore were eligible to participate in the Amendment 80 sector. This was the original list of Amendment 80 vessels when the program was initially implemented.

When the Amendment 80 vessel replacement provision was implemented during October 2012 (77 FR 59852), it provided the owners of Amendment 80 vessels the opportunity to replace vessels that were on the original list. A replacement vessel may replace an existing Amendment 80 vessel on a one-to-one basis, so the total number of Amendment 80 vessels cannot increase. With the implementation of this provision, the vessels that are designated as Amendment 80 vessels changes over time.

Vessels currently designated as Amendment 80 vessels in the Federal Fisheries Permit file⁸ and vessels that are using a LLP license with an Amendment 80 designation are presented in **Table 1**. There are 26 groundfish LLP licenses that have an Amendment 80 endorsement reported in that table. Two Amendment 80 LLP licenses that are not in **Table 1**, but were in the original list are LLP license numbers 3741 and 3714, are originally associated with the Harvester Enterprise and Legacy, respectively. One of the 26 Amendment 80 LLP licenses does not have an endorsement for either the BS or AI. All of the other LLP licenses⁹ have a BS trawl endorsement, and 18 of the LLP licenses have an AI trawl endorsement.

A groundfish LLP license is required for harvesting groundfish, but it is not required if the vessel only processes groundfish. Because this proposed action applies only to C/Ps that harvest fish in addition to taking deliveries from CVs, any limit on taking deliveries could be applied to either the vessel or the LLP license. Applying the limit to either the vessel or LLP license would not change the number of C/P vessels that would be allowed to operate as a MS under this proposed action. In cases where more than one LLP license was used on a vessel during the qualifying period, that LLP license was also used on another vessel that did not use another LLP license during the qualifying period. The result is that the same number of vessels and LLP licenses would qualify if the limit was placed on the LLP license or the vessel. The intent is that only the number of vessels acting as a MS during the qualifying period would qualify for the endorsement and be allowed to take deliveries of targeted non-CDQ trawl CV Pacific cod in the future.

The LLP license could be transferred under the current LLP license transfer regulations. The vessel assigned to the qualifying LLP license could act as a MS regardless of whether it was the original qualifying vessel or the vessel to which the LLP license is currently assigned. If the limit were applied to a vessel it could still be transferred, but the transfer would need to occur through the vessel replacement provision. Vessel replacement transfers are complicated because the provisions differ between Amendment 80 program (77 FR 59852) and the AFA program (79 FR 54590). The Amendment 80

⁷ Based on the staff assumption that the CAS target definition will be used to determine which LLP license qualify.

⁸ The March 15, 2018 Federal Fisheries Permit file was used in this section.

⁹ Including LLP license 2524 that is assigned to the Golden Fleece that only fishes in the Central GOA.

regulations at 50 CFR 679.4(o)(1)(v) and (vii), allow an owner of an Amendment 80 vessel to replace the vessel for any reason and at any time up to a one-for-one vessel replacement. An AFA replacement vessel will have the same privileges and will be subject to the same restrictions as the vessel it is replacing except for the maximum length overall on the LLP license (see 50 CFR 679.4(l)(7)(ii)). The replaced AFA vessel is restricted from receiving a permit to operate in any fishery in the Exclusive Economic Zone (EEZ) off Alaska unless the replaced or removed AFA vessel reenters the pollock fishery as a replacement AFA vessel (50 CFR 679.4(l)(7)(iv)).

Table 1 also reports the LLP license gear endorsements for each fishing area¹⁰ and it indicates whether the LLP license is assigned Rockfish Program C/P quota in the Central GOA. This information is presented to show other potential uses for the LLP licenses.

Table 1 List of 26 LLP groundfish licenses with an Amendment 80 endorsement and the current 21 vessels to which they are attached

LLP LICENSE	ORIGINAL ADFG	ORIGINAL VESSEL NAME	CURRENT ADFG	CURRENT VESSEL NAME	AI	BS	CG	WG	RP CP SIDEBORDED	RP CP QUOTA
LLG2082	54693	ALASKA JURIS	56965	ALASKA WARRIOR	Trawl	Trawl	N	Trawl	N	N
LLG2118	57444	ALASKA RANGER			Trawl	Trawl	N	Trawl	N	N
LLG3043	59870	ALASKA SPIRIT	59870	ALASKA SPIRIT	Trawl	Trawl	Trawl	Trawl	Y	Y
LLG2080	61083	ALASKA VICTORY	61083	ALASKA VICTORY	Trawl	Trawl	Trawl	Trawl	Y	Y
LLG2084	51926	ALASKA VOYAGER			Trawl	Trawl	N	Trawl	N	N
LLG2083	56965	ALASKA WARRIOR	77812	ARAHO	Trawl	Trawl	Trawl	Trawl	Y	Y
LLG2905	55045	ALLIANCE	48183	LEGACY	N	Trawl	Trawl	Trawl	Y	Y
LLG2028	36202	AMERICAN NO I	36202	AMERICAN NO I	Trawl	Trawl	Trawl	Trawl	Y	Y
LLG3895	63511	ARCTIC ROSE			N	Trawl	N	N	N	N
LLG2429	57228	ARICA	57228	ARICA	Trawl	Trawl	N	Trawl	N	N
LLG3744	36502	BERING ENTERPRISE	62545	DEFENDER	N	N	N	N	N	N
LLG2432	55921	CAPE HORN	55921	CAPE HORN	Trawl	Trawl	N	N	N	N
LLG1147	61081	CONSTELLATION	61081	CONSTELLATION	Trawl	Trawl	N	Trawl	N	N
LLG3217	62545	DEFENDER			N	Trawl	Trawl	Trawl	N	N
LLG2524	43260	GOLDEN FLEECE	43260	GOLDEN FLEECE	N	Trawl	Trawl	N	N	N
LLG4831	62472	JUPITER	69038	ENTERPRISE	N	Non-trawl; Trawl	N	N	N	N
LLG4360	41219	OCEAN ALASKA	77851	CAPE FLATTERY	N	Trawl	Trawl	N	Y	Y
LLG2138	55767	OCEAN PEACE	55767	OCEAN PEACE	Trawl	Trawl	N	Trawl	N	N
LLG1802	41864	PROSPERITY	78120	SEAFREEZE AMERICA	Non-trawl; Trawl	Non-trawl; Trawl	Non-trawl; Trawl	Non-trawl; Trawl	Y	Y
LLG3958	51873	REBECCA IRENE	51873	REBECCA IRENE	Trawl	Trawl	Trawl	Trawl	N	N
LLG2014	56964	SEAFISHER	56964	SEAFISHER	Trawl	Trawl	Trawl	Trawl	Y	Y
LLG4692	39798	SEAFREEZE ALASKA	39798	SEAFREEZE ALASKA	Trawl	Trawl	N	Trawl	N	N
LLG2785	55466	TREMONT			N	Trawl	N	N	N	N
LLG3957	57211	UNIMAK	57211	UNIMAK	Non-trawl; Trawl	Non-trawl; Trawl	Non-trawl; Trawl	N	Y	Y
LLG3662	54392	US INTREPID	54392	US INTREPID	Trawl	Trawl	Trawl	Trawl	Y	Y
LLG1402	1119	VAERDAL	1119	VAERDAL	Trawl	Trawl	Trawl	Trawl	N	N

Source: RAM LLP Groundfish License file March 2018

Based on the Amendment 80 vessels listed above, a total of seven Amendment 80 vessels could qualify to act as a MS under the options considered. Table 2 shows the number of years that vessels acted as a MS in the BSAI Pacific cod trawl CV target¹¹ fishery during 2015, 2016, and 2017. A total of eight C/Ps could potentially qualify to act as a MS in the BSAI Pacific cod trawl CV fishery when the non-Amendment 80 vessel is included.

¹⁰ None of the LLP licenses had a fixed gear endorsement for the SE area, so it was excluded from the list.

¹¹ See discussion on target definition under Alternative 4 and note that if the fish ticket target definition was used it would add the other two listed AFA motherships to the table. The 2017 data were not available to AKFIN when this section was drafted. One the AFA motherships accepted targeted deliveries of Pacific cod in both 2015 and 2016. The two other AFA motherships only accepted Pacific cod target deliveries, based on the fish ticket definition, during one of the two years data are available.

Table 2 Count of vessels acting as a mothership in the BSAI Pacific cod trawl CV fishery from 2015 through 2017, by sector and number of years of participation

Years as MS	Sector		Total
	Am80	Non-Am80	
1	1		1
2	5		5
3	1	1	2
Total	7	1	8

Source: AKFIN summary of CAS data

The data indicate that there were two additional vessels with a MS endorsement for the BSAI that accepted non-CDQ Pacific cod trawl CV deliveries during the years 2015 through 2017. These vessels are not included in the counts above since they are not limited under the proposed action. One of those vessels was a listed AFA MS. The other was a vessel that took deliveries in the parallel fishery in State waters and reported as a shoreplant in the NMFS CAS data.

Based on the data in Table 2, Table 3 shows the estimated number of vessels that would qualify under Alternative 2 to act as a MS in the BSAI Pacific cod trawl CV fishery. Options 1 and 2 can be selected together or independently. If they are selected together the total number of vessels that would qualify is the sum of Option 1 and Option 2. For example, if Option 1, Sub-option 3 were selected together with Option 2, a total of two LLP licenses associated with those vessels would qualify to be used on a C/P acting as a MS in the BSAI non-CDQ Pacific cod trawl CV fishery in the future. If only Option 1, Sub-option 2 was selected, a total of six Amendment 80 C/Ps would be allowed to act as a MS in the BSAI non-CDQ Pacific cod trawl CV fishery. However, if only Option 1 was selected any non-Amendment 80 C/P with a MS endorsement on the FFP or true MS could act as a MS in the BSAI non-CDQ Pacific cod trawl CV fishery in the future.

The range of C/Ps that could qualify to act as a MS is one if Option 1, Sub-option 3 is selected to eight if Option 1, Sub-option 1 and Option 2 were selected. When the Council considers selecting an option it will also need to consider the impacts of the Alternative 3 options in relation to the total amount of Pacific cod that could be delivered to various categories of processors under Alternative 2.

Table 3 Number of vessels that would qualify under Alternative 2 by each option and sub-option

Alternative 2	Years of participation	Qualified Vessels
Option 1 (Am80)	Sub-option 1 (any year)	7
Option 1 (Am80)	Sub-option 2 (2-years)	6
Option 1 (Am80)	Sub-option 3 (3-years)	1
Option 2 (non-Am80)		1

Source: AKFIN summary of NMFS CAS data

In the 2018 FFP file, there were nine non-Amendment 80 vessels with a MS endorsement and BSAI endorsement on their FFP that were greater than 165' in length¹². Two of those vessels were AFA C/Ps and one of those vessels would qualify under Option 2. All of the non-Amendment 80 vessels were “true” MSs or had only fixed gear endorsements. All the vessels were reported to be owned by a company whose address is in Seattle, Everett, or Bothell Washington.

¹² Two additional vessels were listed, but they were 59' and 124' in length and neither had a trawl endorsement. It is assumed they were not equipped to accept trawl deliveries as a MS in BSAI Pacific cod trawl CV fishery.

4 Alternative 3: Limits on CV Deliveries to Certain C/Ps

Staff requested that the Council clarify its intent regarding how the percentage of the BSAI non-CDQ Pacific cod trawl CV percentage would be calculated and managed in Section 2 of this paper. Because of potential issues with disclosing confidential data, staff has not provided estimates of the percentage that would be established under Alternative 3. It is assumed that NMFS would prohibit directed fishing for trawl CVs delivering Pacific cod to MSs under the limit to try to ensure that the percentage is not exceeded. It would not be considered a hard cap, and it would allow retention of Pacific cod up to the MRA. This issue will need to be addressed in the EA/RIR to clearly define the management of the limit.

Management is complicated if the percentage is based on the total amount of Pacific cod that can be delivered and NMFS must manage the directed and incidental Pacific cod deliveries. The directed deliveries can be limited to account for incidental catch amounts (ICAs). This would mean that separate ICAs would need to be set inseason for the sector that is limited and the remaining trawl CVs to prevent increases in the amount delivered to MS from other fisheries (e.g., yellowfin sole).

5 Alternative 4: Qualification of CV LLP licenses

Alternative 4, as approved in December 2017, states that the Council would prohibit the use of LLP licenses in the BSAI Pacific cod trawl CV fishery that are not attributed a directed BSAI trawl Pacific cod landing during the qualifying period. Four qualifying periods are currently under consideration 2010-2017, 2012-2017, 2010-2015, and 2012-2015. Information in this section is relative to LLP licenses used to target Pacific cod from the BSAI non-CDQ trawl CV sector allocation.

It is also assumed that the only sector that these LLP licenses would be restricted from fishing in the future, if they did not meet the qualification criterion, is the BSAI non-CDQ trawl CV allocation. C/P LLP licenses could continue to harvest the trawl C/P Pacific cod allocations and LLP licenses with a non-trawl endorsement could harvest Pacific cod in the non-trawl fishery for which they hold an endorsement.

5.1 LLP license counts

Table 4 provides a summary of the LLP licenses that met the various proposed qualifying criteria based on a count of the years when the LLP license was attributed a BSAI non-CDQ Pacific cod **target**¹³ fishery landing with trawl gear. The table also includes a row for if the LLP license was not used in that fishery during the qualification period. The data set used to generate the information contained information for 2009. Therefore, the zero years fished row indicates the number of LLP licenses that were used to target BSAI non-CDQ Pacific cod in 2009 but had not been used to target BSAI non-CDQ Pacific cod during the qualification period of 2010 through 2017. For the other options the zero years fished row is a count of LLP licenses that did not fish during the qualifying period in addition to 2009. Those LLP licenses that did not fish during the qualification period are by definition excluded from the “total qualified” row.

¹³ A discussion of the differences in the CAS targeting formula is provided later in this section.

Table 4 LLP licenses with reported BSAI non-CDQ Pacific cod trawl CV target landings

Years Fished	2010-2017	2012-2017	2010-2015	2012-2015
0	1	2	5	7
1	9	12	14	20
2	9	9	10	11
3	8	11	12	12
4	7	8	4	36
5	11	11	14	0
6	2	33	27	0
7	14	0	0	0
8	25	0	0	0
Total Qualified	85	84	81	79

Source: AKFIN summary of CAS data

Including CDQ landings would not change the number of LLP licenses that would qualify under any of the options selected. The only difference in the table is that one LLP license would have fished five years instead of six years over the 2010 through 2017 time period.

Table 5 provides information similar to Table 4 except it excludes landings from State Pacific cod fisheries. As was the case with CDQ landings, excluding State Pacific cod fishery landings does not change the number of LLP licenses that would qualify under any alternative.

Table 5 LLP licenses with reported BSAI non-CDQ Pacific cod trawl CV target landings in federal fisheries

Years Fished	2010-2017	2012-2017	2010-2015	2012-2015
0	1	2	5	7
1	10	13	15	21
2	8	8	9	10
3	8	11	12	12
4	7	8	4	36
5	11	11	14	0
6	2	33	27	0
7	14	0	0	0
8	25	0	0	0
Total Qualified	85	84	81	79

Source: AKFIN summary of CAS data

5.2 C/P and CV Designated Licenses Used in the Trawl CV Sector

Under Option 1 (2010 through 2017), 14 of the LLP licenses that would qualify for the BSAI Pacific cod trawl CV fishery have a C/P endorsement. These LLP licenses were used on a vessel acting as a CV in the relevant Pacific cod fishery during the qualifying years. Six of the 14 LLP licenses were not originally derived from AFA CVs. All six of these LLP licenses are currently held by companies that are using the LLP licenses for their CVs to deliver to one of their C/Ps acting as a mothership. The eight remaining C/P LLP licenses that qualify were originally derived from AFA vessels. This does not mean that they were fished on vessels in the AFA C/P sector during the qualifying period, but they were derived from vessels that had a C/P endorsement on their LLP license and originally qualified for the AFA program as a CV.

The C/P LLP licenses were endorsed for a use by vessels with a maximum Length Overall (LOA) ranging from approximately 100 ft LOA to about 225 ft LOA with an average maximum LOA of approximately 165 ft LOA. All of the AFA C/Ps that are currently active exceed the maximum length allowed for use by any of these LLP licenses.

Table 6 provides an estimate of the number of LLP licenses that would qualify to fish in the BSAI non-CDQ Pacific cod trawl CV fishery under each Alternative 4 option. LLP licenses are broken out by whether they have a CV or C/P endorsement and by if they were derived from an AFA vessel¹⁴. Because a C/P LLP license can be used on a CV, the analysts assume that all C/P LLP licenses that do not meet the qualification criteria would also be prohibited from acting as a CV in the BSAI non-CDQ Pacific cod trawl CV fishery in the future. It would not prohibit C/P LLP licenses from being used in the trawl C/P fisheries, if they were otherwise eligible.

Table 6 Number of LLP licenses that qualify and that do not qualify under Alternative 4

LLP Designation	Qualified			Not Qualified			All LLP Licenses		
	Non-AFA	AFA	Total	Non-AFA	AFA	Total	Non-AFA	AFA	Total
Option 1: 2010-2017									
C/P	6	8	14	25	19	44	31	27	58
CV	11	60	71	6	39	45	17	99	116
Total	17	68	85	31	58	89	48	126	174
Option 2: 2012-2017									
C/P	6	7	13	25	20	45	31	27	58
CV	11	60	71	6	39	45	17	99	116
Total	17	67	84	31	59	90	48	126	174
Option 3: 2010-2015									
C/P	5	8	13	26	19	45	31	27	58
CV	11	57	68	6	42	48	17	99	116
Total	16	65	81	32	61	93	48	126	174
Option 4: 2012-2015									
C/P	5	7	12	26	20	46	31	27	58
CV	11	56	67	6	43	49	17	99	116
Total	16	63	79	32	63	95	48	126	174

Source: AKFIN summary of CAS data

The information reported above does not include information on LLP licenses that were assigned to Amendment 80 vessels, since there were no Amendment 80 vessels that operated as a CV in the BSAI Pacific cod trawl fishery. Amendment 80 vessels only harvested Pacific cod from the C/P trawl sector allocation. However, there were LLP licenses used on CVs owned by companies that also own a C/P that operates in the Amendment 80 fisheries. Those are not considered Amendment 80 LLP licenses.

Table 7 provides a more detailed overview of the number of LLP licenses that are projected to qualify under each of the options considered for Alternative 4. Information provided in the table shows the number of licenses that would qualify based on having made a targeted non-CDQ Pacific cod landing when acting as a trawl CV in the BSAI. Each LLP license is reported by the area, gear, and operational mode it is assigned. Information for potentially qualified LLP licenses for the BSAI non-CDQ Pacific cod

¹⁴ This paper does not provide a detailed discussion of the impacts that AFA cooperative agreements may have on AFA CV owner’s decision to use their vessel in the BSAI Pacific cod fishery. The AFA CVs have implemented a “Cod Agreement” that establishes rules for harvest of the Pacific cod available to the AFA CVs.

trawl CV fishery is also reported by whether the LLP license is an AFA license. The total number of licenses under each option corresponds with the total in the earlier tables in this section.

Reporting the information by the area endorsements provides a better understanding of whether the LLP licenses can be used in the Pacific cod trawl CV fishery in the BS, AI, or both areas in the future. It also indicates the gear types that can be used on the vessel that is assigned the LLP license.

Table 7 Total number of BSAI trawl endorsed LLP licenses and the number that are projected to qualify under each Alternative 4 option.

	Bering Sea								Total
	C/P				CV				
	No Trawl Endorsement	Non-trawl; Trawl	Trawl	Total	No Trawl Endorsement	Non-trawl; Trawl	Trawl	Total	
All BSAI Trawl LLP Licenses									
No Trawl Endorsement						6	10	16	16
Non-trawl; Trawl	1	1		2	1			1	3
Trawl			4	4					4
Non-Am80/Non-AFA	1	1	4	6	1	6	10	17	23
No Trawl Endorsement		1	6	7					7
Non-trawl; Trawl		2		2					2
Trawl			16	16					16
Am80	0	3	22	25	0	0	0	0	25
No Trawl Endorsement		1	1	2		18	39	57	59
Non-trawl; Trawl		4		4		11		11	15
Trawl			21	21			31	31	52
AFA	0	5	22	27	0	29	70	99	126
Total	1	9	48	58	1	35	80	116	174
Qualified Under Alternative 4: Option 1									
No Trawl Endorsement						3	8	11	11
Non-trawl; Trawl	1	1		2					2
Trawl			4	4					4
Non-Am80/Non-AFA	1	1	4	6	0	3	8	11	17
No Trawl Endorsement		1		1		16	25	41	42
Non-trawl; Trawl		4		4		7		7	11
Trawl			3	3			12	12	15
AFA	0	5	3	8	0	23	37	60	68
Total	1	6	7	14		26	45	71	85
Qualified Under Alternative 4: Option 2									
No Trawl Endorsement						3	8	11	11
Non-trawl; Trawl	1	1		2					2
Trawl			4	4					4
Non-Am80/Non-AFA	1	1	4	6	0	3	8	11	17
No Trawl Endorsement		1		1		16	25	41	42
Non-trawl; Trawl		3		3		7		7	10
Trawl			3	3			12	12	15
AFA	0	4	3	7	0	23	37	60	67
Total	1	5	7	13		26	45	71	84
Qualified Under Alternative 4: Option 3									
No Trawl Endorsement						3	8	11	11
Non-trawl; Trawl	1	1		2					2
Trawl			3	3					3
Non-Am80/Non-AFA	1	1	3	5	0	3	8	11	16
No Trawl Endorsement		1		1		15	25	40	41
Non-trawl; Trawl		4		4		7		7	11
Trawl			3	3			10	10	13
AFA	0	5	3	8	0	22	35	57	65
Total	1	6	6	13		25	43	68	81
Qualified Under Alternative 4: Option 4									
No Trawl Endorsement						3	8	11	11
Non-trawl; Trawl	1	1		2					2
Trawl			3	3					3
Non-Am80/Non-AFA	1	1	3	5	0	3	8	11	16
No Trawl Endorsement		1		1		15	24	39	40
Non-trawl; Trawl		3		3		7		7	10
Trawl			3	3			10	10	13
AFA	0	4	3	7	0	22	34	56	63
Total	1	5	6	12		25	42	67	79

Source: NMFS LLP license file and AKFIN summary of CAS data

Table 8 provides a summary of the CV and C/P designated LLP licenses that are assumed to qualify and those that do not qualify under the four options, by the city and state of the LLP license owner. The city and state information was derived from the RAM LLP license file data. The 174 LLP licenses reported to have a Bering Sea or Aleutian Islands trawl endorsement were all reported to be owned by a person from either Alaska, Maine, Oregon, or Washington. All of the CV LLP licenses were owned by persons in Alaska, Oregon, and Washington.

Table 8 Alternative 4 number of qualified and unqualified LLP licenses by sector, city, and state

Sector/State/City	Total LLPs	Option 1		Option 2		Option 3		Option 4	
		Not Qualified	Qualified	Not Qualified	Qualified	Not Qualified	Qualified	Not Qualified	Qualified
C/P	58	44	14	45	13	45	13	46	12
ANCHORAGE, AK	1	1		1		1		1	
ROCKLAND, ME	5	5		5		5		5	
NEWPORT, OR	1		1		1		1		1
KIRKLAND	3	3		3		3		3	
SEATTLE	46	34	12	34	12	35	11	35	11
SHORELINE	1		1	1			1	1	
SOUTH BEND	1	1		1		1		1	
WA Total	51	38	13	39	12	39	12	40	11
CV	116	45	71	45	71	48	68	49	67
GIRDWOOD	1	1		1		1		1	
HOMER	1		1		1		1		1
KODIAK	7	1	6	1	6	1	6	1	6
PETERSBURG	1	1		1		1		1	
AK Total	10	3	7	3	7	3	7	3	7
SOUTH PORTLAND, ME	1	1		1		1		1	
KEIZER	1	1		1		1		1	
NEWPORT	7	1	6	1	6	1	6	1	6
PORTLAND	1		1		1		1		1
TOLEDO	2	1	1	1	1	1	1	1	1
OR Total	11	3	8	3	8	3	8	3	8
ANACORTES	2	2		2		2		2	
BELLINGHAM	1		1		1		1		1
CAMAS	1		1		1		1		1
EDMONDS	6	3	3	3	3	3	3	3	3
ISSAQUAH	2	2		2		2		2	
LAKEWOOD	1		1		1		1		1
NEAH BAY	1	1		1		1		1	
RIDGEFIELD	1		1		1		1		1
SEATTLE	70	25	45	25	45	28	42	29	41
SHORELINE	6	5	1	5	1	5	1	5	1
SOUTH BEND	1		1		1		1		1
WOODINVILLE	1		1		1		1		1
WOODWAY	1		1		1		1		1
WA Total	94	38	56	38	56	41	53	42	52
Total	174	89	85	90	84	93	81	95	79

Source: AKFIN summary of CAS data

None of the LLP licenses owned by persons from Maine are projected to qualify to fish in the BSAI non-CDQ Pacific cod trawl CV fishery. These vessels could still participate in the C/P sector Pacific cod fishery. The C/P LLP licenses that would qualify must have been used on a vessel acting as a CV to qualify. Between 12 and 14 C/P LLP licenses would qualify, depending on the option selected. One of

those LLP licenses was owned by a person whose address was listed as Newport, OR. The remaining C/P LLP licenses were owned by persons whose address was in the greater Seattle area.

CV LLP licenses that qualify are primarily owned by persons whose address is reported to be in Washington, as they account for about 78% of the qualifying CV LLP licenses under each option. LLP license holders that live in Oregon or Alaska held about 11% and 10% of the qualified CV LLP licenses, respectively.

Table 9 focuses on the 17 CV LLP licenses and six C/P LLP licenses that did not have either an AFA or Amendment 80 endorsement in the RAM LLP data file. Eliminating the LLP licenses associated with those two management programs does not mean that the remaining LLP licenses are held by non-AFA and non-Amendment 80 companies. It simply means the LLP licenses are not associated with a vessel that fishes in those management programs or the LLP license was not derived from a vessel that qualified for the program.

Table 9 Non-AFA and Non-Amendment 80 LLP licenses by option and location of LLP license holder

City, State	Total	Option 1		Option 2		Option 3		Option 4	
		Not Qualified	Qualified	Not Qualified	Qualified	Not Qualified	Qualified	Not Qualified	Qualified
CP									
SEATTLE (all CPs)	6	6		6		1	5	1	5
CV									
GIRDWOOD	1	1		1		1		1	
HOMER	1		1		1		1		1
KODIAK	3	1	2	1	2	1	2	1	2
PETERSBURG	1	1		1		1		1	
AK Total	6	3	3	3	3	3	3	3	3
SOUTH PORTLAND, ME	1	1		1		1		1	
BELLINGHAM	1		1		1		1		1
CAMAS	1		1		1		1		1
EDMONDS	1		1		1		1		1
LAKEWOOD	1		1		1		1		1
SEATTLE	4	2	2	2	2	2	2	2	2
SHORELINE	1		1		1		1		1
SOUTH BEND	1		1		1		1		1
WA	10	2	8	2	8	2	8	2	8
CV Total	17	6	11	6	11	6	11	6	11
Total All LLP Licenses	23	6	17	6	17	7	16	7	16

Source: AKFIN summary of CAS data

All six C/P licenses are held by persons whose address is reported as Seattle and all six are owned by a company that is part of either the AFA or Amendment 80 programs. A total of 17 LLP licenses have a CV endorsement in this category and 11 qualify under each option. Three of the LLP licenses that qualify are reported to be held by a person in Alaska (two from Kodiak and one from Homer) and the remaining eight LLP licenses are held by persons from Washington. Of the LLP licenses that did not qualify, Alaska was also reported as the owner's state for three of the LLP licenses. Two of the LLP licenses with a Washington address are not projected to qualify. The sole LLP license whose owner was reported to reside in Maine is not projected to qualify under any of the options.

5.3 Target fishery definition

The assignment of a fishery target in the CAS data is by trip. A trip is defined as a week for the aggregated catch of all CVs delivering to a MS (or C/P acting as a MS) and an individual delivery for CVs delivering to shorebased processors. The fishery target is defined by the predominant landed species for the trip, regardless of the predominant species of any given haul. AKFIN calculates and determines the predominant species for fish tickets based on the ticket identifier, statistical area, and permit fishery. Because the CAS defines trips differently for CVs delivering to shorebased processors and CVs delivering to MS, this paper also considers using individual landings level data to define target (fish ticket level data) for the CVs delivering to a MS.

At the time this paper was being developed AKFIN had not received the 2017 fish ticket data. Therefore, all information in this section is through the 2016 fishery. Trips that were assigned an AFA fishery management code are also excluded, but that information is discussed in the next section.

Using the fish ticket target definition would not increase the number of qualified CVs under Options 1 or 2 when landings through 2017¹⁵ are included in the qualification period. However, one CV that was reported to not have made a Pacific cod trawl target landing during 2015 using CAS targeting was reported have one landing using the fish ticket target. This CV had reported Pacific cod target landings in both 2016 and 2017. Because qualification is based on a targeted Pacific cod landing with trawl gear in the BSAI it would have qualified on its 2016 and 2017 landings under Options 1 and 2 but would only qualify under Option 3 and 4 if the fish ticket target was used. No additional CVs appear to qualify based solely on changing the trip target definition when trips defined in the data as AFA are excluded.

5.4 Including trips defined with an AFA management code

The CAS data includes various fishery management codes to track which fishery a vessel is operating under when a landing is made. The AFA code is applied when vessels are targeting AFA pollock. NMFS in-season management verifies the codes to determine if they are accurately assigned. Therefore, the management program code should reflect the program in which an AFA CV is active in the BSAI. The codes include state managed fisheries, CDQ, open access, and AFA.

AKFIN provided data summaries that assigned a target fishery based on the fish ticket definition. Those data indicate that all three listed AFA MS would have taken Pacific cod trawl CV target fishery landings during the Alternative 2 qualifying years (only one would have had Pacific cod trawl CV target landing requirement using the CAS target definition). Up to 10 additional AFA CVs would qualify under Alternative 4 using the fish ticket definition and counting AFA management code landings. All ten additional¹⁶ AFA CVs would qualify under Options 1 and 2 and nine of the 10 CVs would qualify under Options 3 and 4.

AFA vessels can fish in the Pacific cod trawl CV target directed fishery, but those should be classified as open access landings. AFA regulations established a sideboard limit of 80.06% of the initial BSAI Pacific cod trawl CV TAC. Regulations at § 679.64(b)(2)(i) define two AFA BSAI Pacific cod CV sideboard exemptions. The first states that AFA CVs less than 125' LOA that had harvested less than 5,100 mt of BSAI pollock and made 30 or more legal landings of Pacific cod in the BSAI directed fishery for Pacific cod from 1995 through 1997 are exempt from AFA sideboard closures for BSAI Pacific cod. The second states that AFA CVs with mothership endorsements are exempt from BSAI Pacific cod CV sideboard

¹⁵ The options include 2017 but as noted earlier the data were only available through 2016 when this section was developed.

¹⁶ Vessels in addition to the ones reported in Sections 5.1 and 5.2.

directed fishing closures after March 1 of each fishing year. The relatively large sideboard limit and the two sideboard exemptions provides ample opportunities for AFA CVs to harvest BSAI Pacific cod in the Pacific cod target fishery.

5.5 Two LLP Licenses on a Vessel

Data indicates that there were 18 LLP licenses that were associated with a vessel in the BSAI Pacific cod fishery when the vessel had two LLP licenses. Six of the LLP licenses were always fished when more than one LLP license was on the vessel. Eight of the LLP licenses were also used on a vessel during the qualifying period when it was the only LLP license on the vessel. All of these LLP licenses would qualify on their own. Four of the LLP licenses would qualify under Options 1 and 2 based on their history when they were the only LLP on the vessel. Assuming that a vessel owner would need to determine when catch is assigned to a specific LLP license, all of the LLP licenses eligible to fish with trawl gear in the BSAI could potentially qualify. Therefore, allowing the vessel owner to assign catch history to a LLP license or allowing all these LLP licenses to qualify may result in the same number of LLP licenses qualifying. While the decision may not impact the number of LLP licenses that may directed fish for Pacific cod in the BSAI non-CDQ trawl CV fishery, clearly stating the method that will be used will aid rule making.

5.6 CVs that qualify and delivered to a C/P acting as a MS

This section provides a brief discussion of the interactions between Alternatives 2 and 4. Vessels acting as MSs under Alternative 2 provide markets for a subset of the CVs that qualify under Alternative 4. The CVs that qualify and have delivered to a MS in the past are considered in terms of the processors where they have historically delivered their Pacific cod target deliveries.

A total of 28 LLP licenses were used on a CV that made CAS BSAI Pacific cod target deliveries to a vessel acting as a MS from 2010 through 2017. One of those LLP licenses was only used to make deliveries to a true MS. The holder of that LLP license could continue to deliver Pacific cod to that MS since it would not be affected by this action. Ten additional LLP licenses were associated with a CV that only delivered to a C/P acting as a MS that would qualify if two years or fewer years of deliveries was required to qualify. None of these LLP licenses made deliveries to a company that owned another C/P that would qualify under this option. The remaining 17 LLP licenses delivered at least once during the 2010 through 2017 period to a C/P acting as a MS that took deliveries of targeted BSAI Pacific cod all three years during the MS qualifying period. Vessels associated with these LLP licenses may still have market opportunities with the companies they delivered to during the qualifying period, either because of vertical integration or existing market relationships.

6 Control date

The Council also established a control date of December 31, 2017 as part of the proposed action. Control dates do not bind future Council actions but are intended to signal strong Council intent to consider only catch and processing history through the end of 2017. Any catch or processing conducted after 2017 will be presented in the EA/RIR. That information will be presented to show the current status of the fishery and its participants. The most recent information available is required as part of decision documents. The Council is required to consider the most recent information available, but it is not required include participation after its control date as part of their preferred alternative. When selecting its preferred alternative, the Council should consider stating on the public record why including that history did not meet its program goals and objectives. The control date may be part of that justification. The Council noticed stakeholders that new entrants to the fishery as well as past participants that have not participated during the qualification period may not qualify under the proposed program by fishing or taking CV deliveries as a MS after the control date.

Part of the justification for including control dates is to discourage stakeholders from entering the fishery while the Council debates the issue. Adding effort and additional fishing/processing capacity in order to qualify, after the industry was notified additional limitations may be imposed, is contrary to the Council's intent.

7 Background information and discussion

7.1 Seasonal delivery of Pacific cod to Amendment 80 and non-Amendment 80

Information in this section is intended to help determine whether limits on CV deliveries to MSs should be established as an A-season limit, a seasonal limit for each season, or an annual limit. Information on the catch by season is only reported in general terms for the same confidentiality reasons information is not provided for Alternative 3. The general discussion that follows compares the Amendment 80 sector MS activity to all other sectors, because of the limited number of C/Ps acting as a MS outside the Amendment 80 sector.

A-season only limits would restrict the amount of Pacific cod that could be delivered to C/Ps acting as a MS during the A-season. This would result in the C/Ps acting as a MS receiving a lower limit in the A-season, but they would not be subject to any limit in either the B or C seasons. A limit set for the entire year could allow companies to utilize history from the B and C seasons during the A season, if it was economically advantageous. Depending on the years considered, it could result in up to a 2% to 4% increase in the BSAI non-CDQ trawl CV allocation being delivered to C/Ps acting as a MS during the A-season¹⁷. However, it is unlikely that companies would choose to use all the deliveries during the A season because it could severely limit their ability to prosecute other fisheries in the MS mode after the A season on April 1. Limits applied to each season would constrain C/Ps acting as a MS to their limits each season but could potentially be the most complicated to manage. NMFS would need to ensure that the limited vessels did not exceed its delivery amount during each season. The Council would also need to address the question of whether any unused portion of the limit could be rolled over to the next season. If rollovers were allowed the total limit would be the annual limit, with constraints on the amount that could be taken in the A-season and B-season. If each season were managed separately and no roll overs were allowed - the limit would be an annual limit less any amount not used during each earlier season.

7.2 AI and BS GHL fisheries

The Alaska Board of Fisheries (BOF) established a 2018 guideline harvest level (GHL) Pacific cod fishery in State waters between 164 and 167 degrees west longitude in the BS. The GHL was set equal to 6.4 percent of the BS Pacific cod ABC (12,864 mt). The Council then recommended that the final 2018 Pacific cod TAC be set to allow the State's GHL fishery without exceeding the ABC. The BS Pacific cod GHL fishery is limited to pot gear. Typically, over 98% of the BS Pacific cod GHL is harvested.

The BOF also established an AI Pacific cod GHL equal to 27 percent of the AI Pacific cod ABC. As with the BS GHL fishery, the Council recommended that the final 2018 Pacific cod AI TAC accommodate the State's 5,805 mt GHL. This fishery is open to pot, trawl, jig, and longline gear at various times, but is predominantly harvested by vessels using pot and trawl gear. Catch data for the AI fishery cannot be reported because of the limited number of participants.

¹⁷ Even though the B and C-season allowances are smaller than the A-season, the Amendment 80 sector C/Ps acting as a MS took a much greater percentage of the B and C-season allowance.

7.3 Fishery Data and Closure summary

The information in this section are tables that are updated from the December 2017 meeting to show changes in the ABC and TAC (Table 10), seasonal allocations (Table 11), and closure dates (Table 12). Catch data are not being reported in this section because of confidentiality restrictions discussed earlier in the document. This section is primarily provided as a reference.

Table 10 BSAI Pacific cod ABCs and TACs from 2003 through 2018

Year	BSAI			BS			AI								
	ABC	TAC	ITAC	ABC	TAC	ITAC	ABC	TAC	ITAC						
2003	223,000	207,500	191,938	N/A											
2004	223,000	215,500	199,338												
2005	206,000	206,000	190,550												
2006	194,000	194,000	174,067												
2007	176,000	170,720	157,916												
2008	176,000	170,720	152,453												
2009	182,000	176,540	157,650												
2010	174,000	168,780	150,721												
2011	235,000	227,950	203,559												
2012	314,000	261,000	233,073												
2013	307,000	260,000	232,180												
2014	N/A									255,000	246,897	220,479	15,100	6,997	6,248
2015										255,000	240,000	214,320	17,600	9,422	8,414
2016				255,000	238,680	213,141	17,600	12,839	11,465						
2017				239,000	223,704	199,768	21,500	15,695	14,016						
2018				201,000	188,136	168,005	21,500	15,695	14,016						

Source: NMFS Final Specifications

Table 11 shows the BSAI non-CDQ Pacific cod trawl CV allocations by season for the 2003 through 2018 fishing years. The information shows that the 2018 Pacific cod TACs were lower than any year since 2010.

Table 11 BSAI Pacific cod non-CDQ trawl CV Pacific cod allocations by season, 2003 through 2018

Year	CV trawl allocation	Metric tons			Percentage		
		A	B	C	A	B	C
2008	33,692	24,932	3,706	5,054	74.0%	11.0%	15.0%
2009	34,841	25,782	3,832	5,226	74.0%	11.0%	15.0%
2010	33,309	24,649	3,664	4,996	74.0%	11.0%	15.0%
2011	44,987	33,290	4,949	6,748	74.0%	11.0%	15.0%
2012	51,509	38,117	5,666	7,726	74.0%	11.0%	15.0%
2013	51,312	37,971	5,644	7,697	74.0%	11.0%	15.0%
2014	50,107	37,079	5,512	7,516	74.0%	11.0%	15.0%
2015	49,224	36,426	5,415	7,384	74.0%	11.0%	15.0%
2016	49,638	36,732	5,460	7,446	74.0%	11.0%	15.0%
2017	47,246	34,962	5,197	7,087	74.0%	11.0%	15.0%
2018	40,227	29,768	4,425	6,034	74.0%	11.0%	15.0%

Note: Seasonal allocations are reported in metric tons and as a percentage of the trawl CV allocation

Source: NMFS harvest specification tables (e.g. https://alaskafisheries.noaa.gov/sites/default/files/17_18bsaitable8.pdf)

A summary of the BSAI non-CDQ Pacific cod trawl CV season closure dates are presented in Table 12. The information presented is through April 16, 2018. Any openings or closings of the fishery after that date are not captured in the table. The general trend has been to earlier closings during the A season.

Table 12 Summary of BSAI non-CDQ Pacific cod trawl CV seasonal closures, 2003 through 2018

Year	A-Season: 20 Jan - Apr 1	B-Season: 1 Apr - 10 Jun				C-Season: 10 Jun - Nov 1
2003					Cl 25-Sep, HAL	
2004	Cl 23-May	Cl 4-Apr	Op 10-Apr	Cl 13-Apr		
2005	Cl 13-Mar Op 29-Mar				Cl 18-Aug, HAL	
2006	Cl 8-Mar	Cl 6-Apr	Cl 8-Jun, HAL		Op 19-Jul, HAL Cl 31-Aug	
2007	Cl 12-Mar	Cl 9-Apr			Cl 29-Sep, HAL	
2008	Cl 6-Mar	Cl 4-Apr				
2009	Cl 21-Mar	Cl 5-Apr				
2010	Cl 12-Mar	Cl 1-Apr				
2011	Cl 26-Mar	Cl 4-Apr	Op 9-Apr	Cl 12-Apr Op 15-Apr		
2012	Cl 29-Feb Op 29-Mar	Cl 15-Apr				
2013	Cl 11-Mar					
2014	Cl 16-Mar					
2015	Cl 27-Feb					
2016	Cl 9-Mar	Cl 4-Apr	Op 11-Apr	Cl 4-May		
2017	Cl 23-Feb	Cl Apr 3				
2018	Cl 11-Feb (BS), Cl 4-Mar (BSAI)	Cl Apr 3				

Notes: Cl = Closed, Op = Open, HAL=Closed because halibut PSC limits reached, REG=Closed by Regulation

All openings and closures are because of TAC unless otherwise noted

8 AI Pacific cod set-aside action relative to BSAI Pacific cod action

During the April 2018 Council meeting the staff was requested to develop an analysis to adjust regulations implementing the AI Pacific cod set-aside for CVs delivering to shoreplants in AI communities (implemented under Amendment 113 to the BSAI FMP). When the Council initiated that action, it understood that there will be direct impacts of that action on the BSAI trawl MS action described in this paper. Because of the interactions between the two actions, the Council directed staff to

provide a discussion of the tradeoffs and benefits of combining the two actions. In addition, a description of the 2018 BSAI Pacific cod trawl CV fishery and how it was or was not consistent with the intent of Amendment 113 to the BSAI FMP was requested and is included in this section.

8.1 Interaction between analyses

NMFS guidance¹⁸ for the preparation of an EA/RIR indicates that “*the suite of alternatives under consideration, including the requisite No Action alternative, must also be clearly identified and articulated*”. The guidance also states that “*the relative implications of adopting each alternative, [must be] compared with taking no action*”. The inclusion of the No Action alternative is required as well as “*a thorough description of the prevailing status quo condition within which the proposed action is being contemplated. Typically, these serve as the baseline against which each action alternative will be contrasted. However, under some circumstances...adoption of the No Action alternative will result in an outcome different from the pre-decisional status quo. In such circumstances, it is the No Action alternative that correctly reflects the analytical baseline.*”

When considering the AI Pacific cod action and the BSAI Pacific cod MS action, changes proposed in one of the amendments will impact the No Action alternative for the other. If separate analyses are developed for each proposed amendment, the No Action alternative will need to consider the impacts of changes proposed in the other action that may reasonably be expected to be selected. This complicates both of the analyses since the No Action alternative must account for each of the Action alternatives in the other proposed amendment and not just the status quo management of the fishery and its reported impacts on the stakeholders.

Alternatives and options approved by the Council for the two actions are presented in Appendix 1. The impacts of each of those alternatives must be considered under the No Action alternative of the other proposed action. Comparing the action alternatives against the No Action alternative(s) will increase the number of options that must be compared. In many analyses the No Action alternative is represented by the status quo. In those cases, the No Action alternative is compared to each of the action alternatives. Because two actions are being considered simultaneously, the impact of the BSAI Pacific cod action alternatives relative to the AI Shoreplant action (Amendment 113 changes) No Action alternative must be considered in terms of whether in the future the number of MS will be limited, the number of CV will be limited, and if there are limits on the amount of the BSAI TAC that may be delivered to C/Ps acting as MSs. This will tend to complicate the analysis and likely increase the amount of time require to complete the analysis.

Combining the two actions would simplify treatment of the No Action alternative. The No Action alternative would be represented by the status quo fishery in 2018. The action alternatives would then be compared against the No Action alternative with a discussion of the interactions between the alternatives. Combining the actions would result in some amount of analytical efficiency gains, but the cost would be potential slowing of the implementation of one or both of the actions.

Because of the uncertainty associated with future Council actions on each of the actions, it is difficult to project with certainty when the two actions would be implemented if they were analyzed separately. Staff's best estimate is that Amendment 113 modifications could be implemented for the 2020 fishing year and the BSAI Pacific cod MS action could be implemented for the 2021 fishing year (see Figure 1 and Figure 2). The BSAI Pacific cod MS action is projected to take a year more because of the appeals processes associated with limiting LLP licenses. Staff also assumes that because that general issue has not

¹⁸ <https://alaskafisheries.noaa.gov/sites/default/files/rir-rfaa-guidance.pdf>

been recently analyzed (as was done for the AI Pacific cod set aside under Amendment 113), the current suite of alternatives have higher probability of being modified and/or clarified before the amendment is implemented.

If the two amendments are combined, it is longest implementation date that would be applied. This means that one action could slow the other down and it is possible that since both actions are contentious and as a result potentially subject to litigation, combining the two actions could have a compounding effect on the implementation time.

Staff would not recommend combining the actions if the Council is concerned that delays with one action would push back the implementation date of the other action. It is a policy decision that relies on the Councils judgment relative to how both actions will move through the regulatory and potentially judicial processes.

Figure 1 Draft BSAI non-CDQ Pacific cod trawl fishery amendment schedule

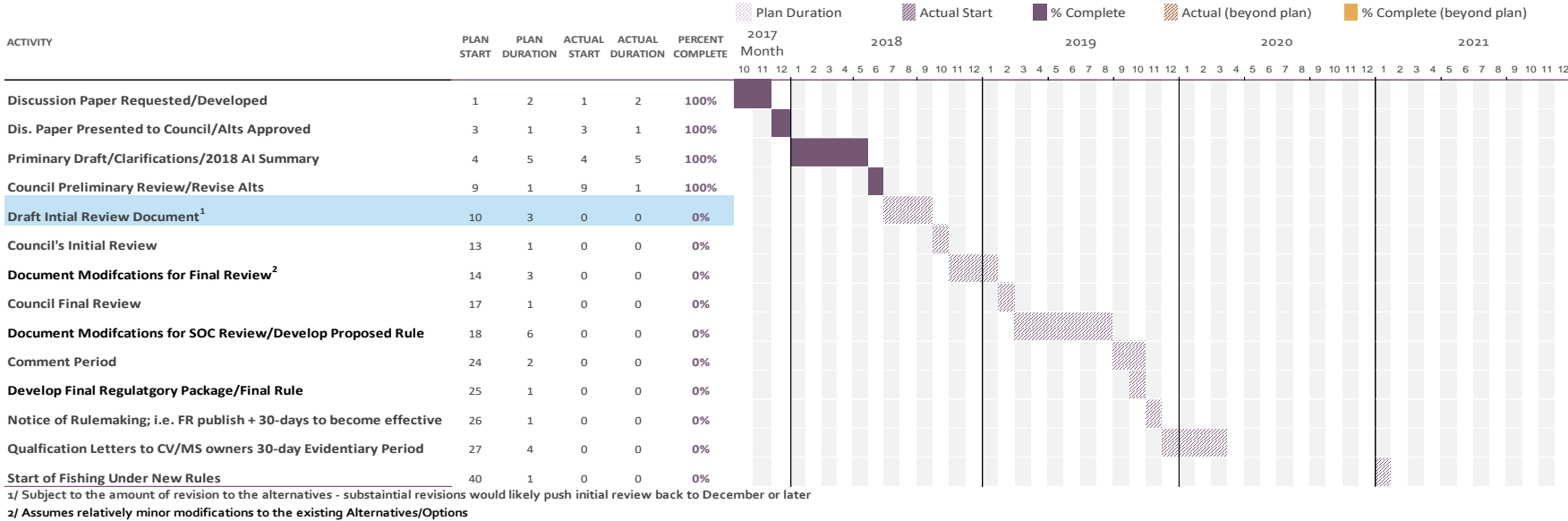
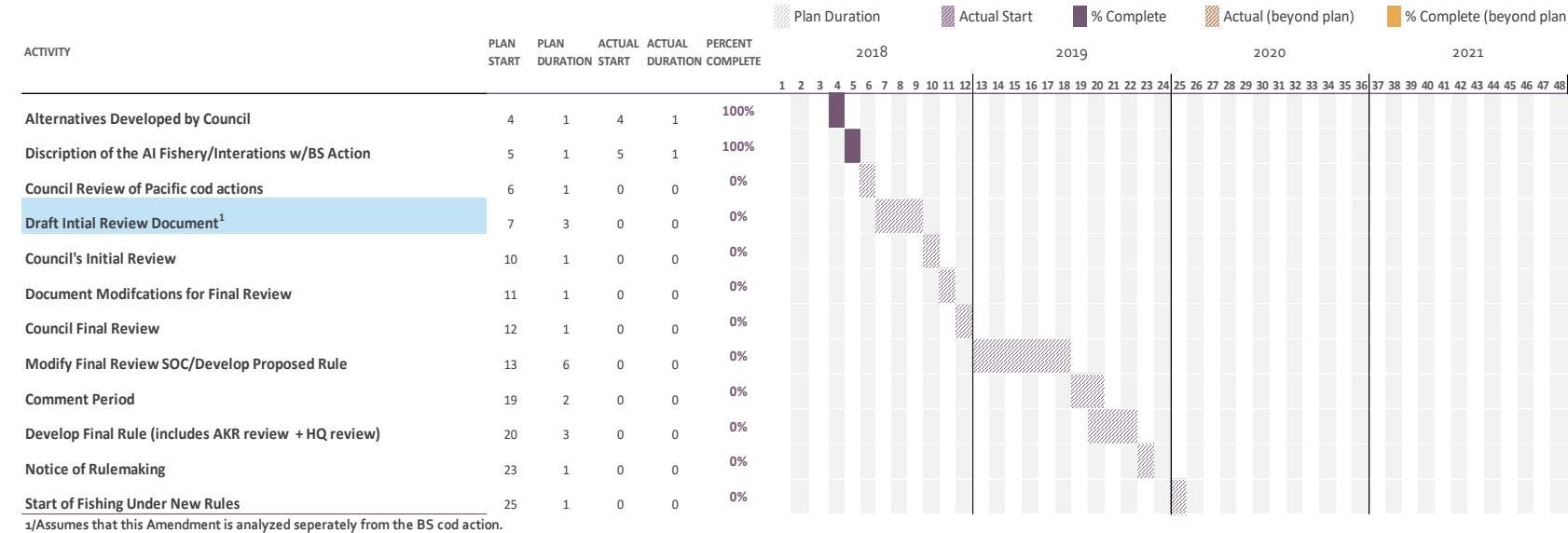


Figure 2 Draft AI Pacific cod (Am 113 revisions) schedule



8.2 2018 AI Pacific cod fishery

Information in other sections of this document focused on the BSAI non-CDQ Pacific cod trawl fishery. This section will refer to that information but is focused on the AI fishery and how it was prosecuted during the 2018 A and B seasons. Since Amendment 113 implementation, 2018 is the first year the current shoreplant was operational in Adak. In part because it was the first year of operation, several regulatory and operational challenges occurred.

Amendment 113 to the BSAI FMP established for 2018 a 5,000 mt AI CV Harvest Set-Aside (AI set-aside) for delivery to AI shoreplants. Each year the AI set-aside is established if either the City of Adak or the City of Atka notify NMFS¹⁹ in accordance with regulations prior to November 1 of the year prior to fishing of their intent to process AI Pacific cod in the upcoming year. The AI set-aside is suspended for the upcoming year if NMFS does not receive timely and complete advance notice from either the City of Adak or the City of Atka of its intent to process AI Pacific cod in the upcoming year.

AI shoreplants are defined in regulation as processors located on land in the AI west of 170° W. longitude. The AI set-aside is subject to the minimum AI shoreplant landing requirement of 1,000 mt of AI Pacific cod landed at the shoreplant(s) by February 28th. Only Pacific cod landed at the shoreplant(s) that were harvested from the federal TAC are counted toward the 1,000 mt requirement. Pacific cod harvested under the GHL and delivered to AI shoreplants do not accrue to the 1,000 mt requirement. If 1,000 mt of the AI set-aside is not reached by February 28, the remainder of the AI set-aside may be caught by any CV or C/P and delivered to any processor with a valid Federal Fishing Permit or Federal Processing Permit. A CV directed fishing for federal Pacific cod can only participate in the AI if their sector is open in the BSAI.

The AI Pacific cod ABC is prosecuted under both a State GHL fishery and a Federal fishery. For 2018, 27% of the 21,500 mt AI Pacific cod ABC was assigned to the State GHL fishery and the remaining 73% of the ABC was assigned to the federal fishery as the TAC. The GHL and federal longline gear fisheries opened on January 1, 2018. Several less than 60' pot CVs participated in the State AI GHL fishery and delivered to an AI shoreplant. Some greater than or equal to 60' pot CVs arrived about a week after the start date (January 4th and January 8th) and participated in the federal Pacific cod fishery. On January 19, BSAI Pacific cod directed fishing closed for pot CVs greater than or equal to 60'. On January 23, BSAI Pacific cod directed fishing closed for CVs less than 60' using hook-and-line (HAL)/pot gear. The AI shoreplant did not take deliveries of any fish deducted from the federal TAC by the CVs less than 60' hook-and-line (HAL)/pot sector²⁰.

The 5,000 mt AI set-aside is also based on the Pacific cod landings from the Federal TAC. Any deliveries to the AI shoreplants that are taken from the AI GHL fishery do not count toward the AI set-aside. There may have been some confusion by participants regarding which catches counted toward the 1,000 mt minimum requirement and the 5,000 mt AI set-aside during the 2018 A-season. NMFS staff worked with the participants to explain the fishery regulations.

On January 20th the federal BSAI non-CDQ Pacific cod trawl CV fishery was opened to directed fishing. Many of the trawl CVs arrived in the AI after participating in the BS fisheries as well as some of the smaller CVs from the Western GOA. The trawl CVs began fishing for the AI shoreplant in early February. Directed fishing closed on February 11 for the BS non-CDQ Pacific cod trawl CV sector to

¹⁹ See 50 CFR 679.20(a)(7)(viii)

²⁰ As noted later in this section, NMFS did reapportion 1,400 mt from the jig sector to the < 60' HAL/pot sectors on February 6th, but the <60' HAL/pot sector in federal waters may not reopen until September 1st.

prevent exceeding the 2018 BS trawl CV A-season sector limitation. The limited deliveries by pot vessels from the federal Pacific cod fisheries and the late arrival of the trawl fleet created some concern that the 1,000 mt AI minimum requirement would not be reached by February 28th. However, the shoreplant was able to reach that required amount and the 5,000 mt set-aside remained in effect.

The AI Pacific Cod CV Harvest Set-Aside Program implemented by Amendment 113 created the AI unrestricted fishery and the AI CV harvest set-aside amounts (Table 13). For 2018, the AI non-CDQ directed fishing allowance was set at 11,516 mt. That directed fishing allowance was specified as 6,516 mt for the AI unrestricted fishery that may be harvested by any gear or sector that is open to directed fishing and delivered to any processor and 5,000 mt for the AI CV harvest set-aside for delivery to AI shoreplants.

Table 13 AI Pacific cod allocations and BSAI trawl CV allocations and limitations for 2018

Allocations/Limitations	2018
AI TAC	15,695
CDQ	1,679
AI ITAC	14,016
ICA	2,500
AI DFA	11,516
AI CV Harvest Set-Aside	5,000
AI Unrestricted Fishery	6,516
BSAI Trawl CV A-Season Allocation	29,768
BS Trawl CV A-Season Sector Limitation	5,000
BS Trawl CV A-Season Allocation less Sector Limitation	24,768

Source: NMFS Final Specifications

The AI CV harvest set-aside and the AI unrestricted fishery may be fished in parallel, with catch accounting determined by regulation. This results in all AI non-CDQ Pacific cod CV catch delivered to an AI shoreplant being attributed to the 5,000 mt AI set-aside. For example, the catch from the pot CVs greater than or equal to 60' that delivered to an AI shoreplant in January counted against the AI set-aside and not the unrestricted fishery. The catch of the smaller pot CVs and the non-pelagic trawl CVs that fished in the AI GHL fishery would not be counted against either the AI set-aside or the unrestricted fishery. Their catch would be counted against the GHL fishery. The catch that accrues to the unrestricted fishery is from directed fishing for federal Pacific cod by CVs using any gear type delivering to a non-AI shoreplant and from C/Ps and MSs. The unrestricted fishery closes when the 6,516 mt limit is projected to be reached.

It is important to distinguish between the 5,000 mt AI set-aside and the 5,000 mt Pacific cod BS trawl CV A-season sector limitation. The 5,000 mt Pacific cod BS trawl CV A-season sector limitation was established to ensure that some of the trawl CV sector's A-season allocation remains available for harvest in the AI by trawl CVs that deliver their catch of AI Pacific cod to AI shoreplants for processing. It did not guarantee that the 5,000 mt AI set-aside would be delivered to AI shoreplants before the trawl sector was closed to directed fishing in the BSAI A-season. The AI unrestricted fishery had 6,516 mt of Pacific cod available for directed fishing by any federal CV sector (all gear types that are open to directed fishing) or processor. Therefore, the trawl CVs that harvested in the unrestricted fishery were reducing the amount of the remaining 5,000 mt of the BSAI non-CDQ trawl CV A season allocation that was available after the February 11 Pacific cod directed fishing closure for trawl CVs in the BS.

Participants began to realize that under the current regulations the AI shoreplant would not be able to take deliveries of the entire 5,000 mt AI set-aside after the BSAI trawl CV sector was closed to directed

fishing for the A season²¹. Prior to that time some participants were under the impression that the AI set-aside essentially guaranteed the shoreplants would be allowed to take delivery of the 5,000 mt AI set-aside if they achieved the 1,000 mt before February 28. However, after February 11 all of the federal Pacific cod CV sectors except jig gear were close for directed fishing in the A season in the BSAI. Given that 6,515 mt of Pacific cod was available to trawl CVs to deliver to any processor in the AI, at least two companies made plans to harvest a portion of that allowance and deliver the catch to processors other than the AI shoreplant. One company was using its CV to deliver to one of its C/Ps. However, this occurred during the February Council meeting, and when the Council was made aware of the issue it asked this company to not participate in the unrestricted fishery, due to the impacts to the AI shoreplant. This company had already taken a small amount of Pacific cod, but they agreed to stand-down from the fishery at the request of the Council. After the 2018 A-season was underway, a second company requested that their CVs be allowed to deliver to the AI shoreplant. In part due to capacity constraints and the timing of the request, the AI shoreplant did not offer a market to those CVs. The company decided later in February to have some of its trawl CVs deliver AI Pacific cod to Dutch Harbor.

CVs that were delivering to the AI shoreplant are reported to have self-imposed trip limits and a one-day stand-down after a delivery to help reduce wait times at the plant. Trawl CVs set the trip limit at 400,000 lbs. for the larger CVs and 100,000 lbs for smaller CVs. These trip limits were abandoned when NMFS announced the BSAI A season trawl CV closure for March 4, 2018, which resulted in a larger volume of Pacific cod being delivered during a short period of time.

The shoreplant operator has indicated during testimony to the Council that the shoreplant has a daily capacity of 1.2 million lbs. to 1.5 million lbs. At 1.2 million lbs. per day, the shoreplant could process the AI set-aside in about 9.2 days. During the 2018 A-season, daily processing of GHL and federal Pacific cod combined never exceeded 1 million lbs. and was typically much lower.

Once trawl CVs harvested an amount that was projected to be equal to the BSAI trawl CV sector A-season allowance²², they were closed to directed fishing on March 11²³. NMFS In-season Management's ability to close a fishery exactly on the amount a sector's TAC is limited by variations in daily landings and the fact that closures are announced ahead of time for 12 noon on a specific day²⁴. Catch in the AI set-aside and unrestricted fishery resulted in the trawl CV sector AI season being closed in the BSAI prior to the entire 5,000 mt AI set-aside being delivered. That meant the only CV sector that remained open²⁵ to directed fishing was the BSAI jig gear sector. The BSAI allocation to the jig sector was insufficient to allow the AI shoreplant to take deliveries of the remaining 5,000 mt AI set-aside.

NMFS announced that the 5,000 mt AI set-aside had not been landed at the AI shoreplant by March 15th. Because the 5,000 mt AI set-aside was not reached by that date the BS non-CDQ trawl CV A-season sector limitation remained in effect until March 21 and the AI set-aside to not apply for the remainder of the year. The amount of the 5,000 mt AI set-aside that was delivered to the AI shoreplant cannot be

²¹ The pot, HAL, and jig gear fisheries could provide some deliveries but may not be enough to reach the 5,000 mt AI set-aside.

²² Essentially, if the BS is closed to directed fishing the point at which they harvest 5,000 mt in aggregate from the AI set-aside and the AI unrestricted fishery.

²³ See Table 12

²⁴ The finest resolution for a closure is 24 hours.

²⁵ The <60' HAL/pot Pacific cod fishery was closed to directed fishing in the BSAI on January 23. On February 6, NMFS reallocated 1,400 mt of the jig A-season allotment to the < 60' HAL/pot sector. That reduced to total A-season jig allowance to 129 mt. The 510 mt B-season jig allowance became available on April 30th.

reported due to confidentiality restrictions²⁶. The AI shoreplant could report their Pacific cod deliveries or agreed to waive the confidentiality restrictions associated with NMFS or the Council reporting the Pacific cod deliveries they received.

The AI shoreplant produced primarily fillets and head and gut products from Pacific cod. The product amounts are also confidential.

The BSAI Pacific cod non-CDQ trawl CV B-season opened to directed fishing on April 1. The 2018 B-season allowance was set at 4,425 mt at the start of the fishing year. Directed fishing was closed on April 3 as a result of the B-season allowance being reached. The AI shoreplant took Pacific cod deliveries during the B-season. However, as was the case for the A-season, confidentiality restrictions prohibit reporting the amount of catch delivered to the AI shoreplant relative to other processors.

²⁶ Golden Harvest Alaska Seafood, LLC in a public comment letter to the NPFMC in April 2018 noted that “landings from the Federal fishery were 4,010 mt; or about 80% of the AI CV Harvest Set Aside.” <http://comments.npfmc.org/CommentReview/DownloadFile?p=48236946-a5e9-42fa-977a-b723217e1a66.pdf&fileName=GHAS%20to%20NPFMC%20033018.pdf>

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10 Appendix 1: Alternatives and Options as approved by the Council to revise Amendment 113 (AI shoreplant) and address BSAI MS issues

10.1 AI Pacific cod motion (Amendment 113)

Alternative 1. No action

Alternative 2. Amend CFR 679.20 (a)(7)(viii)(E) as follows (changes in **bold and underlined**):

(1) Language is unchanged

(2) Language is unchanged

(3) Aleutian Islands Unrestricted Fishery. Prior to March 15, vessels otherwise authorized to directed fish for Pacific cod in the Aleutian Islands may directed fish for that portion of the Aleutian Islands Pacific cod non-CDQ directed fishing allowance that is specified as the Aleutian Islands Unrestricted Fishery as determined in paragraph (a)(7)(viii)(B) of this section and may deliver their catch to any eligible processor, **provided directed fishing for Pacific cod by the catcher vessel trawl sector is allowed in the BS Subarea.**

(4) Management of Trawl Catcher Vessels in the Aleutian Islands Unrestricted Fishery. If the trawl catcher vessel sector is closed in the BS Subarea prior to March 15, only trawl catcher vessels that deliver their catch of Aleutian Islands Pacific cod to an Aleutian Islands shoreplant for processing may directed fish for that portion of the Aleutian Islands Pacific cod non-CDQ directed fishing allowance that is specified as the Aleutian Islands Unrestricted Fishery as determined in paragraph (a)(7)(viii)(B) of this section.

~~(4)~~**(5) Minimum Aleutian Islands shoreplant landing requirement.** If less than 1,000 mt of the Aleutian Islands Catcher Vessel Harvest Set-Aside is landed at Aleutian Islands shoreplants on or before February 28, then paragraphs (a)(7)(viii)(E)(1) **thru (4)** of this section will not apply for the remainder of the fishing year.

~~(5)~~(6) Language is unchanged

Alternative 3:

If the Aleutian Islands Catcher Vessel Harvest Set-Aside is in effect, the trawl CV sector may not engage in directed fishing for cod from the Aleutian Islands Unrestricted Fishery until the earlier of March 15 or until the entire Set-Aside is landed.

This prohibition will be removed if less than 1,000 mt of the Aleutian Islands Catcher Vessel Harvest Set-Aside has not been landed by February 28.

Alternative 4:

1) Prior to March 21, the A season trawl CV Pacific cod harvests in the Bering Sea and trawl CV Pacific cod harvests in the Aleutian Islands except harvests delivered shoreside west of 170° longitude in the AI shall be limited to an amount equal to the BSAI aggregate CV trawl sector A season allocation minus the lesser of the AI directed Pacific cod non CDQ DFA or 5,000 mt.

Upon the closure under the above provision, directed trawl CV fishing for non CDQ BSAI Pacific cod is prohibited for all trawl CVs vessels except trawl CVs delivering shoreside west of 170° longitude in the AI prior to March 21, unless restrictions are removed earlier under 3 or 4 below.

2) Prior to March 15 AI directed Pacific cod non CDQ harvests of any sector other than the CV sector delivering shoreside west of 170° longitude in the AI as defined in 1) are limited to the amount of the AI directed Pacific cod non CDQ DFA above minus the amount set aside from the trawl CV BSAI allocation

under 1). Catches of those other sectors under this provision are not subject to the regional delivery requirement.

3) If less than 1,000 mt of the AI Pacific cod non CDQ TAC has been landed shoreside west of 170 longitude in the AI by February 28 the restrictions under 1) and 2) shall be suspended for the remainder of the year.

4) If prior to November 1, neither the City of Adak nor the City of Atka have notified NMFS of the intent to process non CDQ directed AI Pacific cod in the upcoming year, the Aleutian Islands shoreside delivery requirement and restriction on the trawl CV sector allocation is suspended for the upcoming year. Cities can voluntarily provide notice prior to the selected date.

Shoreside deliveries are defined as deliveries made to a facility physically located on land.

The Council also tasks staff to:

- Provide a discussion of the tradeoffs and benefits of combining this action with the BSAI CV cod action the Council will address in June
- Provide a description of the 2018 BSAI CV trawl fishery, and how it was, or was not consistent with the intent of Amendment 113.

10.2 BSAI MS and CV limitation motion

Alternative 1. No action

Alternative 2. A catcher processor may take deliveries of Pacific cod from catcher vessels participating in the Bering Sea Aleutian Islands (BSAI) non-CDQ Pacific cod trawl fishery if the catcher processor acted as a mothership and received Pacific cod deliveries as follows:

Option 1: Amendment 80 catcher processors acting as motherships during 2015-2017

Sub-option 1.1: in any year

Sub-option 1.2: in any two years

Sub-option 1.3: in any three years

Option 2: Non-Amendment 80 vessels acting as motherships during 2015-2017

Alternative 3. The total amount of BSAI non-CDQ Pacific cod catcher vessel trawl sector allocation that can be delivered to Amendment 80 vessels acting as a mothership is equal to the percentage of trawl catcher vessel sector's BSAI Pacific cod delivered to catcher processors acting as motherships relative to the total BSAI catcher vessels trawl catch between:

Option 1: 2015-2017

Option 2: 2016-2017

Option 3: 2008-2017

Alternative 4: Prohibit use of LLP licenses in the BSAI trawl cod fishery that are not attributed a directed BSAI trawl cod landing between:

Option 1: 2010-2017

Option 2: 2012-2017

Option 3: 2010-2015

Option 4: 2012-2015

The Council establishes a control date of December 31, 2017 that may be used as a reference date for a future management action to limit catcher processor vessels from acting as motherships in the BSAI trawl catcher vessel Pacific cod fishery.