

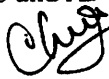
Public Testimony Sign-Up Sheet

Agenda Item C-3(b) GOA Sideboards

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3	✓ Jennife Vilkstrom	F/V Irene H
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

MEMORANDUM

TO: Council, SSC and AP Members
FROM: Chris Oliver 
Executive Director
DATE: November 27, 2007
SUBJECT: GOA Sideboards

ESTIMATED TIME 8 HOURS (all C-3 items)
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ACTION REQUIRED

Review discussion paper and take action as necessary

BACKGROUND

At the April 2007, the Council reviewed a discussion paper on GOA sideboard limits and directed staff to expand the discussion paper to include assessments of the following:

- Potential conflicts between the CGOA Rockfish Pilot Program and Amendment 80 to determine overlaps, and if so, how sideboard limits might be combined, removed, or modified while maintaining the intent of the limits;
- An option to allow AFA CV GOA sideboard exempt fleet to lease their BSAI pollock allocation during the B season (June 10 to November 1);
- Removing the 14 day stand down (July 1 to July 14) for CP vessels participating in the CGOA Rockfish Pilot Program and form cooperatives in the BSAI fisheries under Amendment 80;
- Exempt non-AFA Pacific cod sideboarded crab vessels from GOA Pacific cod sideboards on November 1st if B season Pacific cod in WGOA and CGOA directed fisheries will not be fully harvested;
- An option to change the formula for determining GOA Pacific cod sideboard exemption status for non-AFA crab vessels;
- An option to exempt non-AFA crab vessels from GOA pollock sideboard limits who historically have been dependent upon the GOA pollock fishery; and
- Examine the number and collective harvest of crab rationalized vessels that have been sold and then enter the pot cod fishery in GOA.

In October 2007, the Council postponed presentation of the GOA sideboard limits discussion paper until the December meeting due to time constraints. The AP did review this agenda item in October and provided recommendations to the Council concerning the GOA sideboard limits. Pertinent AP minutes are provided below:

The AP recommends that the Council initiate an analysis for a regulatory amendment to exempt CP trawl vessels that participate in the CGOA Rockfish pilot program cooperative or limited

access sectors and also belong to a cooperative in the BSAI fisheries under Amendment 80 from the July stand-down period. (motion passed 17/0)

The AP recommends that the Council initiate an analysis for a regulatory amendment to add an amount of halibut PSC to the Amendment 80 3rd quarter deep-water halibut PSC sideboard proportionate to the halibut available to the rockfish catcher-processor limited access and opt-out fisheries. (motion passed 17/0)

The AP recommends the Council initiate an analysis for a regulatory amendment to address crab rationalization sideboards with the following revisions to the options provided in the discussion paper:

Option 2 – Replace “allocation” with “catch history”

Add – Option 3 – exempt non-AFA crab vessels from GOA Pacific cod sideboards if the vessel's Bering Sea opilio catch history is less than 500,000 lbs and the vessel landed more than 2,500 mt of GOA Pacific cod from 1996-2000. (motion passed 18/0)

The AP wishes to re-affirm that this exemption would apply only those non-AFA crab vessels/licenses that are eligible to participate in the GOA Pacific cod fishery.

The AP recommends that Council task staff with further developing the discussion addressing the Council's policy that requires vessels to fish their BSAI pollock allocation to maintain their exempted status. (motion passed 18/0)

Attached as **Item C-3(b)(1)** is a revised discussion paper of the GOA sideboards and options for consideration associated with the American Fisheries Act (AFA) BSAI Pollock Cooperative Program, Crab Rationalization Program, Rockfish Pilot Program, and Amendment 80 Cooperative Program. Where appropriate, staff has also provided some information on the AP's October recommendations.

At this meeting, the Council will review the discussion paper and decide whether or not to initiate analysis of possible changes to sideboard limits or other measures.

Summary of GOA Sideboards November 27, 2007

At the April 2007 meeting, staff presented a discussion paper on the different GOA sideboard limits. At that meeting, the Council added several options adjusting the GOA sideboards and directed staff to update the discussion paper to include an analysis of these options for the October 2007 meeting. The following is the Council motion on GOA sideboards from the April 2007 meeting:

The Council requests staff to incorporate the following issues into an updated draft of the GOA sideboard paper:

GOA Sideboards

- (1) A list of sideboard limits by fishery and area for the different rationalization programs and describe which sideboard limits have historically closed preseason to directed fishing and which sideboard limits have been open to directed fishing.*
- (2) Describe potential conflicts between the CGOA rockfish pilot program and Amendment 80. Do sideboard limits overlap for specific fisheries and if so could some sideboard limits be combined, removed or otherwise modified to maintain the intent of the limits.*

AFA Sideboards

Option 1 - Maintain the GOA AFA exempted fleet sideboard policy that requires vessels to fish their BSAI pollock allocation to maintain their exempted status.

Option 2 - For GOA AFA exempted fleet allow leasing of BSAI pollock allocations only during the B season BSAI pollock fishery (June 10 to November 1).

CGOA Rockfish Pilot Program Sideboards

For the CP CGOA rockfish vessels that participate in the CGOA pilot program and also form cooperatives in the BSAI fisheries under Amendment 80, will be exempted from the July 1 to July 14 stand down period before entering the BSAI fisheries.

Crab Rationalization Sideboards

On November 1st of each year if the B season Pacific cod quota in the WGOA and CGOA will not be reached by the participating vessels by December 31st then non-AFA side-boarded crab vessels would be exempt from the B season sideboard provisions for that sub area and can fully participate.

Crab rationalization sideboard changes to exempted vessel status for Pacific cod:

Option 1 - No changes to the exempted status requirements

Option 2 - Exempt non-AFA crab vessels from GOA Pacific cod sideboards if the vessel's Bering Sea Opilio allocation is less than 0.22% and the vessel landed more than 500 mt of GOA Pacific cod from 1996 to 2000.

Sub-Option A: To receive exempted status vessel/LLP would forfeit their BS opilio crab shares.

Sub-Option B: To receive exempted status vessel/LLP would forfeit their BS opilio crab shares that are in excess of the 100,000 pound landing threshold during the qualifying years 1996 to 2000.

Crab rationalization sideboards create an exempted vessel status for pollock:

Option 1 – No exempted status

Option 2 – Exempt non-AFA crab vessels from GOA pollock sideboards if the vessel's BS opilio allocation is less than 0.22% and the vessel had (1) 5 pollock deliveries (2) 10 pollock deliveries or (3) 20 pollock deliveries from 1996 to 2000.

An analysis of the number of licenses previously assigned to a vessel qualified for the crab rationalization program that were transferred and later used in the pot cod fishery in the GOA (in state and federal waters).

In October 2007, the Council postponed presentation of the GOA sideboard limits discussion paper until the December 2007 meeting. The AP did provide recommendations to the Council concerning the GOA sideboard limits. These recommendations are presented below:

The AP recommends that the Council initiate an analysis for a regulatory amendment to exempt CP trawl vessels that participate in the CGOA Rockfish pilot program cooperative or limited access sectors and also belong to a cooperative in the BSAI fisheries under Amendment 80 from the July stand-down period.

The AP recommends that the Council initiate an analysis for a regulatory amendment to add an amount of halibut PSC to the Amendment 80 3rd quarter deep-water halibut PSC sideboard proportionate to the halibut available to the rockfish catcher-processor limited access and opt-out fisheries.

The AP recommends the Council initiate an analysis for a regulatory amendment to address crab rationalization sideboards with the following revisions to the options provided in the discussion paper:

Option 2 – Replace “allocation” with “catch history”

Add – Option 3 – exempt non-AFA crab vessels from GOA Pacific cod sideboards if the vessel's Bering Sea opilio catch history is less than 500,000 lbs and the vessel landed more than 2,500 mt of GOA Pacific cod from 1996-2000.

The AP wishes to re-affirm that this exemption would apply only those non-AFA crab vessels/licenses that are eligible to participate in the GOA Pacific cod fishery.

The AP recommends that Council task staff with further developing the discussion addressing the Council's policy that requires vessels to fish their BSAI pollock allocation to maintain their exempted status.

Presented below is an updated summary of the GOA sideboards and options for consideration associated with the American Fisheries Act (AFA) BSAI Pollock Cooperative Program, Crab Rationalization Program, Rockfish Pilot Program, and Amendment 80 Cooperative Program. The Council's requested analysis of the different options will be marked as new. Where appropriate, staff has tried to provide some

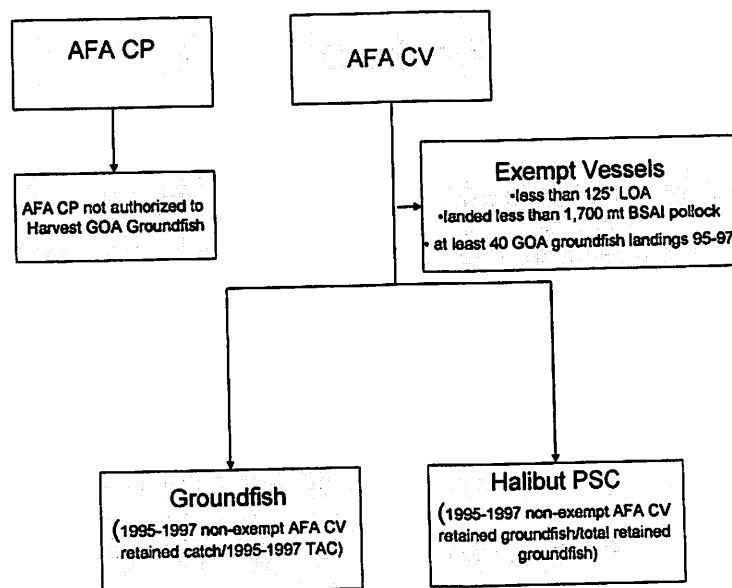
guidance on time necessary to completed the AP recommended analysis and if possible more information on the AP's recommendation.

American Fisheries Act Sideboards

The AFA was signed into law in October 1998. The purpose of the AFA was to tighten U.S. ownership standards for U.S. fishing vessels under the Anti-reflagging Act, and to provide the BSAI pollock fleet the opportunity to conduct their fishery in a more rational manner while protecting non-AFA participants in the other fisheries.

The AFA requires the protection of participants in other U.S. fisheries that could be negatively affected by the BSAI pollock fleet. Given that the 20 catcher/processors listed in paragraphs 208(e)(1) through (20) are restricted from harvesting any GOA groundfish, the summary of AFA GOA sideboards focuses on the AFA catcher vessels of which there were 110 in 2007. As shown in Figure 1, the AFA CP sector is restricted from harvesting any GOA groundfish, so the sector has no GOA sideboards. For the AFA trawl CV sector, there are groundfish and halibut PSC sideboards. Provided below is summary of these sideboards for the AFA trawl CV sector.

Figure 1. Diagram of AFA sideboard limits for GOA



Catcher Vessel Exemptions

Before addressing GOA groundfish sideboard limits for the AFA vessels, a summary of exemptions are presented. Exemptions are included up front because sideboard limits do not apply to these vessels and the exempt vessel's historic catch is not included in the sideboard calculations. An exemption for AFA trawl catcher vessels less than 125' LOA that landed less than 1,700 mt of BSAI pollock on average during 1995-1997 was developed for those vessels with a high economic dependence on the GOA

fisheries. These vessels were exempted from the sideboard limits if they made at least 40 GOA groundfish landings from 1995-1997. The Council recommended and approved the exemption with the understanding that vessels holding GOA exemptions would not lease their BS pollock in years that they exceed their 1995-1997 GOA harvest level. To ensure the Council's intent is met, the AFA CV sector utilizes a Catcher Vessel Intercooperative Agreement.

For 2007, there were 16 AFA catcher vessels exempt from GOA groundfish sideboard limits. As noted above, the catch history of the exempt vessels is not included when NMFS determines the overall sideboard cap amounts. Since their historic catch is not included in the calculation of the limits, catch of these vessels will not count towards the sideboard limits. In addition, if GOA directed fishery is open and an AFA catcher vessel sideboard limit is reached, exempt AFA trawl catcher vessels are not required to stop fishing.

GOA Groundfish Sideboard Limits

GOA groundfish sideboard limits for AFA CVs are based on the sector's (excluding exempt vessels) ratio of aggregate retained catch for each groundfish species or species group during 1995-1997 relative to the sum of the TACs for that species or species group. NMFS sets a single AFA catcher vessel sideboard cap for each groundfish species. That amount is then made available to all non-exempt AFA catcher vessels on a seasonal basis at the beginning of the year. After NMFS sets the limit, the cooperatives then divide the limit among themselves. Because the AFA CV sideboard limits must be shared amongst the different cooperatives, an inter-cooperative agreement was developed to divide the AFA trawl CV sideboard limit among the cooperatives and set penalties for exceeding the limit. Then each cooperative determines how their portion of the sideboard limit is divided among the member vessels. Table 1 shows the GOA sideboard ratio for the AFA trawl CV sector, the 2006 sideboard amounts, and sideboard catch for 2006.

NMFS closes directed fisheries to AFA-listed catcher vessels when sideboard amounts are inadequate to support a directed fishery. The closures will be timed so that adequate amounts of sideboard limits are available for bycatch needs in other directed fisheries. This is done to help ensure that no sideboard caps are exceeded. NMFS will only open directed fishing for a species when adequate sideboard amounts exist at the start of the fishing year to cover both the bycatch needs of that species in other fisheries and the directed fishery harvest. As Table 2 shows, there are a number of GOA groundfish fisheries closed for the AFA trawl CV sector during the 2006 and 2007 season due to small sideboard limits.

Halibut PSC Sideboards

Sideboard limits were also developed for halibut PSC in the GOA. Those sideboard limits are equal to the ratio of total retained groundfish catch by non-exempt AFA catcher vessels in each PSC target category from 1995 to 1997 relative to the total retained catch of all vessels in that fishery from 1995 to 1997. Table 3 presents the halibut PSC sideboard ratios, the 2006 and 2007 halibut PSC limit, and the 2006 and 2007 non-exempt AFA catcher vessel halibut PSC sideboard limit by target fishery and season.

Table 1. 2006 GOA non-exempt AFA CV groundfish harvest sideboard limitations (mt) and sideboard catch (mt)

Species	Apportionments and allocations by area/season/processor/gear	Ratio of 1995-1997 non-exempt AFA CV catch to 1995-1997 TAC	2006 non-exempt AFA catcher vessel sideboard	Total Catch	Remaining Quota
Pollock	Shumagin (610) A, B, C, & D	0.6112	17,674	4,441	13,233

Species	Apportionments and allocations by area/season/processor/gear	Ratio of 1995-1997 non-exempt AFA CV catch to 1995-1997 TAC	2006 non-exempt AFA catcher vessel sideboard	Total Catch	Remaining Quota
	Chirikof (620) A, B, C, & D	0.1427	4,350	2,991	1,359
	Kodiak (630) A, B, C, & D	0.2438	4,498	632	3,866
	WYK (640)	0.3499	627	0	627
	SEO (650)	0.3499	2,154	0	2,154
Pacific cod	W inshore	0.1423	2,580	6	2,574
	W offshore	0.1026	207	0	207
	C inshore	0.0722	1,845	406	1,439
	C offshore	0.0721	205	0	205
	E inshore	0.0079	26	0	26
	E offshore	0.0078	3	0	3
Flatfish deep-water	W	0	0	0	0
	C	0.067	277	9	268
	E	0.0171	70	0	70
Rex sole	W	0.001	1	0	1
	C	0.0402	221	40	181
	E	0.0153	39	0	39
Flathead sole	W	0.0036	7	3	4
	C	0.0261	131	64	67
	E	0.0048	10	0	10
Flatfish shallow-water	W	0.0156	70	0	70
	C	0.0598	777	162	615
	E	0.0126	31	0	31
Arrowtooth flounder	W	0.0021	17	7	10
	C	0.0309	773	495	278
	E	0.002	10	0	10
Sablefish	W trawl gear	0	0	0	0
	C trawl gear	0.072	93	50	43
	E trawl gear	0.0488	14	0	14
Pacific ocean perch	W	0.0623	259	6	253
	C	0.0866	642	511	131
	E	0.0466	125	0	125
Shortraker rockfish	W	0	0	0	0
	C	0.0237	8	20	-12
	E	0.0124	4	0	4
Rougheye rockfish	W	0	0	0	0
	C	0.0237	14	10	4
	E	0.0124	3	0	3
Other rockfish	W	0.0034	2	0	2
	C	0.2065	80	9	71
	E	0	0	0	0
Northern rockfish	W	0.0003	0	0	0
	C	0.0336	121	111	10
Pelagic shelf rockfish	W	0.0001	0	3	-3

Species	Apportionments and allocations by area/season/processor/gear	Ratio of 1995-1997 non-exempt AFA CV catch to 1995-1997 TAC	2006 non-exempt AFA catcher vessel sideboard	Total Catch	Remaining Quota
	C	0	0	61	-61
	E	0.0067	5	0	5
Thornyhead rockfish	W	0.0308	16	0	16
	C	0.0308	30	13	17
	E	0.0308	22	0	22
Big skates	W	0.009	6	0	6
	C	0.009	20	24	-4
	E	0.009	5	0	5
Longnose skates	W	0.009	1	0	1
	C	0.009	18	10	8
	E	0.009	8	0	8
Other skates	GW	0.009	15	4	11
Demersal shelf rockfish	SEO	0.002	1	0	1

Table 2. 2006 and 2007 non-exempt AFA catcher vessel sideboard directed fishing closures in the GOA (mt)

Species	Regulatory area/district	Gear	Incidental catch
Pacific cod	Eastern GOA	all	26 (inshore 2006)
			19 (inshore 2007)
			3 (offshore 2006)
			2 (offshore 2007)
Deep-water flatfish	Western GOA	all	0
Rex sole	Western GOA	all	1
Flathead sole	Eastern and Western GOA.	all	10 and 7 (2006)
			13 and 7 (2007)
Shallow-water flatfish	Eastern GOA	all	31
Arrowtooth flounder	Eastern and Western GOA.	all	10 and 17
Northern rockfish	Western GOA	all	0
Pelagic shelf rockfish	entire GOA	all	0 (W), 0 (C), 5(E)
Demersal shelf rockfish	SEO District	all	1

Table 3. 2006 and 2007 non-exempt AFA catcher vessel PSC limits for the GOA (mt)

PSC species	Season	Target fishery	Ratio of 1995-1997 non-exempt AFA CV retained catch to total retained catch	2006 and 2007 PSC limit	2006 and 2007 non-exempt AFA catcher vessel PSC limit
Halibut mortality	Trawl 1st seasonal allowance	shallow-water	0.34	450	153

PSC species	Season	Target fishery	Ratio of 1995– 1997 non-exempt AFA CV retained catch to total retained catch	2006 and 2007 PSC limit	2006 and 2007 non-exempt AFA catcher vessel PSC limit
	January 20–April 1	deep-water	0.07	100	7
	Trawl 2nd seasonal allowance	shallow-water	0.34	100	34
	April 1–July 1	deep-water	0.07	300	21
	Trawl 3rd seasonal allowance	shallow-water	0.34	200	68
	July 1–September 1	deep-water	0.07	400	28
	Trawl 4th seasonal allowance	shallow-water	0.34	150	51
	September 1–October 1	deep-water	0.07	0	0
	Trawl 5th seasonal allowance	all targets	0.205	300	61
	October 1–December 31				

Stand Downs

Although not a sideboard specifically associated with the AFA, there are stand down requirements for trawl CVs that fish in both the BSAI and GOA (§ 679.23(h)) that impact AFA trawl CVs. A trawl CV operating in the BSAI while pollock or Pacific cod are open for directed fishing is prohibited from deploying trawl gear in the Western and Central GOA for three days after the date of landing or transferring all of the vessel's BSAI groundfish. An exception applies to directed fishing for Pacific cod in the GOA for processing by the offshore sector. In a similar fashion, a trawl CV operating in the Western GOA while pollock or inshore Pacific cod is open for directed fishing in the Western GOA is restricted from using its trawl gear in the BSAI for three days after the date of landing or transferring all of its Western GOA groundfish. Finally, a trawl CV operating in the Central GOA area while pollock or inshore Pacific cod is open to directed fishing is required to stand down for two days after landing or transferring its Central GOA groundfish before operating in the BSAI. There is no stand down for a trawl CV fishing in the CDQ fishery.

Proposed Sideboard Options for the AFA GOA Sideboard Exempt Vessels (New)

In April 2007, the Council proposed options for analysis that would allow the AFA GOA exempted fleet to lease their BSAI pollock allocation during the B season BSAI pollock fishery. The following are the options proposed by the Council:

Option 1: Maintain the AFA GOA exempted fleet sideboard policy that requires vessels to fish their BSAI pollock allocation to maintain their exempted status.

Option 2: For AFA GOA exempted fleet allow leasing of BSAI pollock allocations only during the B season BSAI pollock fishery (June 10 to November 1)

As noted above, the Council recommended and approved the exemption from GOA sideboards for those eligible AFA vessels with the understanding that the vessels holding the exemption would not lease their

BS pollock in years that they exceed their 1995-1997 GOA harvest level. Currently the Council's original intent is enforced not through a federal regulation but rather the Catcher Vessel Intercooperative Agreement. The Council elected to enforce this action through the use of a Catcher Vessel Intercooperative Agreement due to the difficulty of tracking daily catch for the 16 AFA GOA sideboard exempt vessels by NOAA Enforcement. Since there are no federal regulations that prohibit leasing of BS pollock by the AFA GOA sideboard exempt fleet, permitting the AFA GOA sideboard exempt fleet to lease their B season pollock using regulatory procedures may not be necessary. If the Council wishes to consider changing its policy to allow leasing of B season BSAI pollock, the Council could task staff to prepare an analysis of the action. The intent of the analysis would be to provide the Council with reasonable estimates of the intended impacts of allowing B season leasing (comparable to a Regulatory Impact Review). Alternatively, the Council could pursue a regulatory amendment prohibiting leasing of A season BS pollock by the AFA GOA sideboard exempt vessels when the vessel exceeded its GOA harvest level for that same time period. One caution in this approach is the increased monitoring that maybe necessary to enforce this action. As noted above, one of the reasons the Council elected to use inter-cooperative agreements to enforce the leasing restriction was the difficulty of tracking daily catch. Finally, the last approach the Council could take is to do a regulatory amendment that requires the action to be placed in the Intercooperative agreement.

As indicated in recent American Fisheries Act Catcher Vessel Intercooperative Annual Reports to the Council, GOA sideboard exempt vessels have been negatively affected by Chinook and chum salmon savings area closures, rising fuel prices, and low CPUE in pollock fishing grounds south of Pribilof Islands. Consequently, the AFA GOA sideboard exempted fleet routinely strands BS pollock, which is asserted to cause economic hardship for this fleet. For example, in the 2006, the GOA exempt vessels left 14,790 mt of BS pollock unharvested. In another example, approximately 3,850 mt pollock was left unharvested by the AFA GOA sideboard exempted fleet in 2004. Note, although the pollock lease restriction applies to the entire year's catch, the data in this analysis only looks at catch during the June 10 to November 1 period given that Option 2 only applies during this same time period.

To alleviate some of the impacts of large Chinook and chum salmon savings area closures, the Council in 2005 approved Amendment 84 which modifies the existing bycatch reduction measures for Chinook and chum salmon in the BSAI groundfish FMP. The action suspends the regulatory salmon savings area closures and allows pollock cooperatives and CDQ groups to utilize a voluntary rolling hot spot closure system to avoid salmon bycatch. Despite delays in implementing Amendment 84, the pollock fleet to include the AFA GOA sideboard exempt fleet, through the use of a Exempted Fishing Permit, has have been operating under a voluntary rolling hot spot system since the middle of the 2006 "B" season.

To get an idea of historical catch patterns for the AFA GOA sideboard exempt fleet during the BSAI "B" season, Table 4 provides the number of vessels making BSAI "B" season pollock landings and GOA groundfish landings from 1995 to 1997 and 2000 to 2006. The number of vessels making pollock landings in the BSAI "B" season was significantly fewer during the 1995-1997 period compared to the 2000-2006 period. During those periods, the number of AFA GOA sideboard exempt vessels making GOA groundfish landings remained virtually constant at 14. In 2006, 9 vessels made pollock landings in the BSAI "B" season relative to previous five years, while the number of vessels making GOA groundfish landings declined to 12.

Since 2000, the AFA GOA sideboard exempt fleet has exceeded their 1995-1997 average catch of GOA groundfish. Table 5 provides harvest data for the exempt fleet for the June 10 to November 1 period from 1995-1997 by species and area. During this period, the fleet targeted mostly pollock in the BSAI, while in the GOA the fleet targeted mostly pollock and Pacific cod. During the 1995 to 1997 period, the average GOA catch for the AFA GOA sideboard exempted fleet was 9,014 mt. Table 5 also provides GOA and BSAI catch and vessel count for the AFA GOA sideboard exempt fleet for the June 10 to November 1

period from 1995 to 1997 and 2000 to 2006 by species and area. Between June 10 and November 1 for 2004 and 2005, the AFA GOA sideboard exempted fleet caught 19,742 mt and 15,575 mt of BS pollock, respectively, while in 2006, they caught only 7,201 mt BS pollock. In the GOA, the AFA GOA sideboard exempted fleet focused mostly on pollock, Pacific cod during the 2004 and 2005 fishing season. However, in 2006, the AFA GOA exempted fleet focused less on Pacific cod and more on other groundfish. Overall, the data indicates that the AFA GOA sideboard exempt fleet since 2000 has exceeded their 1995-1997 average catch of GOA groundfish.

Table 4. Number of vessels making BSAI "B" season pollock landings and GOA groundfish landings from 1995-1997 and 2000-2006

Year	1995	1996	1997	2000	2001	2002	2003	2004	2005	2006
Number of Vessels making pollock landings	6	8	7	12	14	15	15	13	12	9
Number of Vessels making groundfish landings	14	14	13	14	14	14	14	14	14	12

Under Option 2, the AFA GOA sideboard exempted fleet would be allowed to lease their "B" season BS pollock. The ability to lease the BSAI "B" season pollock adds flexibility to the AFA GOA sideboard exempt fleet to either harvest their BSAI "B" season pollock themselves or lease their pollock allocation and continue to fish in the GOA. In general, the AFA GOA sideboard exempt vessels will lease their "B" season BS pollock allocation as long as the perceive benefit from leasing is greater than the cost of leasing. In most cases, it is expected the AFA GOA sideboard exempt vessels would lease their BSAI B season pollock given they have routinely left BS pollock allocations unharvested due to continued rising fuel costs and lower CPUE for B season BS pollock. Overall, it would be expected that the ability to lease their "B" season pollock will likely substantially reduce the amount of BS pollock that is left stranded.

One potential impact of selecting Option 2 is the combined AFA GOA sideboard exempt vessels catch of GOA groundfish during the June 10 to November 1 period would likely increase beyond their 2000-2006 historic GOA catch. The primary source of increased GOA groundfish catch by the AFA GOA sideboard exempt vessels would likely originate from effort once directed at BS "B" season pollock that could now be directed at GOA groundfish fisheries. As an indication of past harvest behavior for the AFA GOA sideboard exempt fleet, the harvest of BS "B" season pollock by the AFA GOA sideboard exempt fleet has been greater than 15,000 mt from 2001 to 2005. Given that most AFA GOA sideboard exempt vessels would likely lease their B season BS pollock that effort once directed at B season BS pollock could be directed at GOA groundfish.

Table 5. Catch and vessel count by area from AFA GOA exempt vessels during the June 10 – November 1 period from 1995-1997 and 2000-2006

Year	Area	Fishery	TAC	Harvest (mt) June 10 - Nov 1	Vessel Count
1995	BSAI	Pacific cod	250,000	43	6
		Pollock	1,250,000	5,524	6
		Total	N/A	5,566	
	GOA	Other Groundfish	N/A	947	11
		Pacific cod	69,200	841	11
		Pollock	65,360	5,174	14
	Total	N/A	6,962		
1996	BSAI	Other Groundfish	N/A	*	3
		Pacific cod	270,000	*	9

Year	Area	Fishery	TAC	Harvest (mt) June 10 - Nov 1	Vessel Count
		Pollock	1,190,000	5,880	8
		Total	N/A	6,043	
	GOA	Other Groundfish	N/A	2,366	11
		Pacific cod	65,000	a	
		Pollock	54,810	4,825	12
	Total	N/A	7,190		
1997	BSAI	Other Groundfish	N/A	1,676	4
		Pacific cod	270,000	16	7
		Pollock	1,130,000	3,490	7
		Total	N/A	3,507	
	GOA	Other Groundfish	N/A	3,739	12
		Pacific cod	69,115	2,051	13
		Pollock	79,980	7,247	13
	Total	N/A	13,037		
2000	BSAI	Other Groundfish	N/A	31	9
		Pacific cod	193,000	43	11
		Pollock	1,139,000	11,902	12
		Total	N/A	11,976	
	GOA	Other Groundfish	N/A	4,604	14
		Pacific cod	58,715	595	14
		Pollock	94,960	4,901	14
	Total	N/A	10,100		
2001	BSAI	Other Groundfish	N/A	6	4
		Pacific cod	188,000	47	14
		Pollock	1,400,000	19,985	14
		Total	N/A	20,038	
	GOA	Other Groundfish	N/A	4,118	14
		Pacific cod	52,110	2,805	14
		Pollock	90,690	3,272	14
	Total	N/A	10,196		
2002	BSAI	Other Groundfish	N/A	21	12
		Pacific cod	200,000	102	15
		Pollock	1,485,000	22,502	15
		Total	N/A	22,625	
	GOA	Other Groundfish	N/A	4,328	14
		Pacific cod	44,230	612	14
		Pollock	53,490	6,687	14
	Total	N/A	11,262		
2003	BSAI	Other Groundfish	N/A	38	15
		Pacific cod	207,500	130	15
		Pollock	1,491,760	21,334	15
		Total	N/A	21,502	
	GOA	Other Groundfish	N/A	4,452	14
		Pacific cod	40,540	2,289	14
		Pollock	49,590	4,975	14
	Total	N/A	11,716		
2004	BSAI	Other Groundfish	N/A	80	13

Year	Area	Fishery	TAC	Harvest (mt) June 10 - Nov 1	Vessel Count
		Pacific cod	215,500	100	13
		Pollock	1,492,000	19,742	13
		Total	N/A	19,922	
	GOA	Other Groundfish	N/A	4,076	14
		Pacific cod	48,033	2,683	14
		Pollock	65,660	5,930	13
		Total	N/A	12,689	
2005	BSAI	Other Groundfish	N/A	80	12
		Pacific cod	206,000	47	12
		Pollock	1,478,500	15,575	12
		Total	N/A	15,703	
	GOA	Other Groundfish	N/A	4,241	14
		Pacific cod	44,433	1,261	14
		Pollock	86,100	5,227	14
Total	N/A	10,728			
2006	BSAI	Other Groundfish	N/A	45	9
		Pacific cod	194,000	14	9
		Pollock	1,485,000	7,201	9
		Total	N/A	7,260	
	GOA	Other Groundfish	N/A	5,294	12
		Pacific cod	52,264	703	12
		Pollock	81,300	7,792	12
Total	N/A	13,789			

*Concealed for confidentiality.

^aPrior to 2000, motherships did not have to fill out fish tickets for CV deliveries. As a result, catch data may exist, but it is very difficult to gather this information. It is expected the catch data, if there is any, will be available early in 2008.

Crab Rationalization Sideboards

The Crab Rationalization Program was implemented in March of 2005. The program allocates BSAI crab resources among harvesters, processors, and coastal communities and builds on the Council's experiences with the halibut/sablefish IFQ program and the AFA cooperative program. Recognizing that rationalizing the BSAI crab fisheries could provide opportunities for fishermen to alter their crab fishing patterns and take greater advantage of other fisheries, the Council included GOA groundfish sideboards for non-AFA vessels that qualified for the Bering Sea snow crab IFQ fishery. Figure 2 provides a diagram of the non-AFA crab vessel sideboard program for the GOA. As noted in the figure, separate sideboard limits exist for GOA groundfish and GOA Pacific cod. There is also a qualification requirement for non-AFA crab vessels to participate in the GOA Pacific cod fishery. Finally, vessels that exceed a specific harvest level of GOA Pacific cod from 1996 to 2000 would be exempt from GOA Pacific cod sideboard limits.

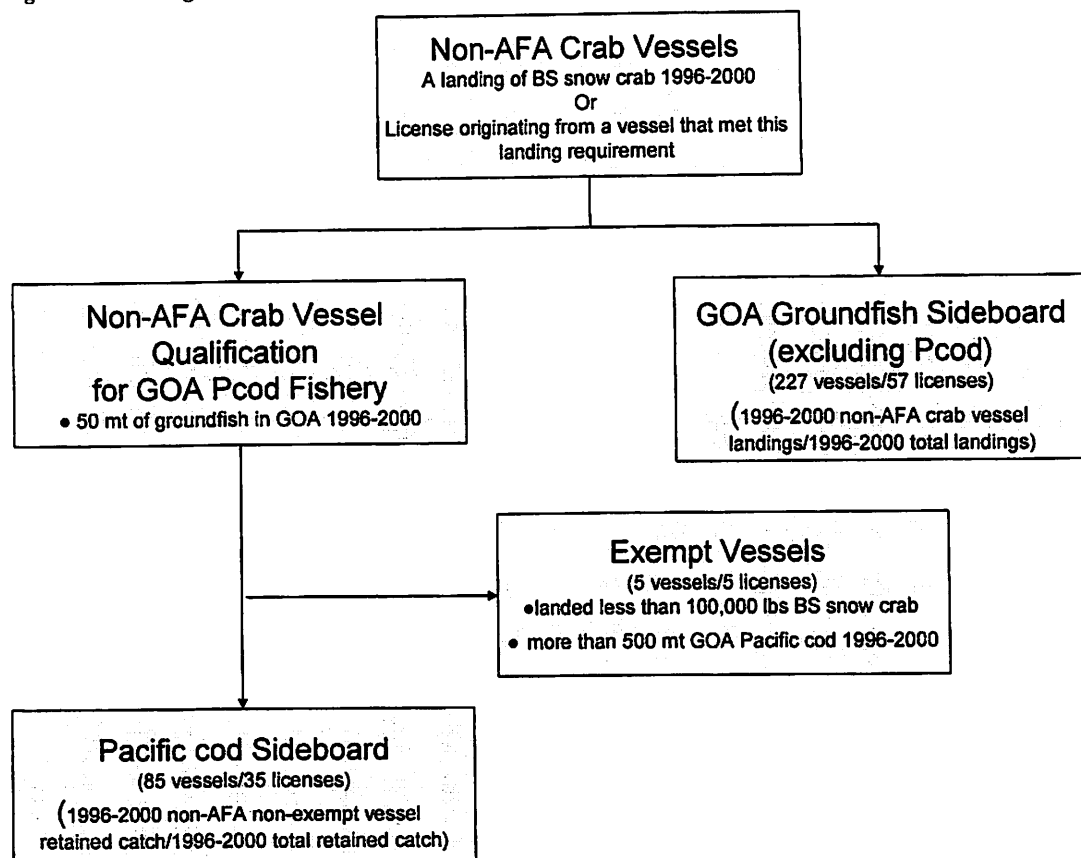
GOA Groundfish Sideboards Limit (except Pacific cod)

GOA groundfish (other than Pacific cod and fixed-gear sablefish) sideboard limits for non-AFA crab vessels are based on GOA groundfish landings by qualified vessels¹ relative to groundfish landings by all vessels from 1996 to 2000. For GOA Pacific Cod, the sideboard limit is based on retained catch of Pacific

¹ Any non-AFA vessel that made a landing of Bering Sea snow crab between January 1, 1996, and December 31, 2000 and any vessel named on an LLP licenses that was generated in whole or part by the fishing history of a qualified vessel.

cod by qualified vessels, excluding BSAI snow crab qualified vessels that are prohibited from participating in the GOA Pacific cod fishery and vessels exempt from GOA sideboards limits, divided by the total retained catch of Pacific cod by all groundfish vessels. These same GOA groundfish sideboard restrictions apply in the State of Alaska parallel groundfish fisheries for those qualified BSAI snow crab vessels with a Federal Fisheries Permit or LLP license. Table 6 shows the GOA sideboard ratio for the non-AFA crab vessels, the 2006 sideboard amounts, and sideboard catch for 2006.

Figure 2. Diagram of Non-AFA crab vessel sideboard program for the GOA



GOA Pacific cod Sideboard Limit

In addition to the GOA groundfish sideboards for the non-AFA crab vessels, participation in the GOA Pacific cod fishery is restricted. Vessels that qualified for the Bering Sea snow crab quota must have landed more than 50 mt of groundfish harvested from the GOA between January 1, 1996, and December 31, 2000 in order to qualify to participate in the GOA Pacific cod fishery. This restriction also applies to any vessel named on an LLP that generated Bering Sea snow crab fishery quota share.

As noted above, there is an exemption from GOA Pacific cod sideboard limits for vessels that qualify. Exempt BSAI snow crab qualified vessels landed less than 100,000 lbs of Bering Sea snow crab and more than 500 mt of GOA Pacific cod between 1996 and 2000. The exemption was developed for those qualified vessels that demonstrated dependence on the GOA fisheries. The catch history of the exempt vessels is not included in the sideboard limit calculation. Since their historic catch is not included in the sideboard limits, catch of these vessels will not count towards the sideboard caps nor are the exempt vessels required to stop fishing when the sideboard limit is reached, if the directed fishery is open.

Management of GOA Sideboard Limit

*50% mentioned
one fish =
change from
35 to 40 =
where*

NMFS manages the sideboard limits by setting a single sideboard cap for each GOA groundfish species. That amount is then made available to all qualified vessels subject to the cap on a seasonal basis at the beginning of the year. All targeted or incidental catch of sideboard species made by the non-AFA crab vessels will be deducted from the sideboard limit.

As with the AFA trawl CV sideboards, NMFS will close the directed fisheries to those non-AFA BSAI snow crab vessels subject to the cap that qualify to participate in the GOA groundfish fisheries when sideboard amounts are inadequate to support a directed fishery. The exception would those vessels that are exempt from GOA Pacific cod sideboards. These exempt vessels would be allowed to fish for GOA Pacific cod as long as directed fishing continued.

Sideboard limit closures will be timed so that adequate amounts of the species are available for bycatch needs in other directed fisheries. This is done to help ensure that no sideboard caps are exceeded. NMFS will only open directed fishing for a species when adequate sideboard amounts exist at the start of the fishing year to cover both the bycatch needs of that species in other fisheries and the directed fishery harvest. In 2006 and 2007, only the Western and Central GOA Pacific cod were open for directed fishing for the qualified non-AFA crab vessels. The remaining GOA groundfish fisheries were closed as the sideboard limits were necessary for incidental catch to support Pacific cod fishery incidental catch.

Number of Crab Vessels and Licenses Affected by GOA Sideboard

In the NMFS Crab LLP database, there are 227 crab vessels that made a landing of BS snow crab during the 1996 to 2000 period. These vessels are limited by the GOA groundfish sideboards. Of these 227 crab vessels, 137 are prohibited from fishing for GOA Pacific cod, 85 crab vessels are allowed to target GOA Pacific cod but limited by a GOA Pacific cod sideboard, and 5 are exempt from the GOA Pacific cod sideboard limit.

There are 57 groundfish LLP licenses that originated on qualified crab vessels. Vessels that use these licenses are also limited by the GOA groundfish sideboards. Of the 57 licenses, 12 licenses prohibit the vessel using that license from directed fishing in the GOA Pacific cod fishery, 35 licenses limit the vessel using that LLP license to the GOA Pacific cod sideboard, and 5 of these LLP licenses would exempt that vessel using that license from the GOA Pacific cod sideboard limit.

In cases where vessels are subject to one sideboard (i.e., GOA Pacific cod sideboard) and the LLP license used on that vessel is more restrictive (i.e., prohibited from fishing GOA Pacific cod) the more restrictive measure applies. The converse is true as well, LLP licenses subject to GOA Pacific cod sideboard and used on a vessel prohibited from fishing GOA Pacific cod would not relieve that vessel from the sideboard limit prohibiting GOA Pacific cod fishing.

Table 6. Final 2007 GOA non-AFA crab vessel groundfish harvest sideboard limitations

Species	Apportions and allocations by area/processor/gear	Ratio of 1996-2000 non-AFA crab vessel catch to 1996-2000 total harvest	Proposed 2007 TAC	2007 non-AFA crab vessel sideboard limit
Pollock	A Season (W/C areas only)			

Species	Apportions and allocations by area/processor/gear	Ratio of 1996-2000 non-AFA crab vessel catch to 1996-2000 total harvest	Proposed 2007 TAC	2007 non-AFA crab vessel sideboard limit
	January 20 - March 10			
	Shumagin (610)	0.0098	4,511	44
	Chirikof (620)	0.0031	7,357	23
	Kodiak (630)	0.0002	3,320	1
	B Season (W/C areas only)			
	March 10 - May 31			
	Shumagin (610)	0.0098	4,511	44
	Chirikof (620)	0.0031	8,924	28
	Kodiak (630)	0.0002	1,753	0
	C Season (W/C areas only)			
	August 25 - October 1			
	Shumagin (610)	0.0098	7,995	78
	Chirikof (620)	0.0031	2,304	7
	Kodiak (630)	0.0002	4,889	1
	D Season (W/C areas only)			
	October 1 - November 1			
	Shumagin (610)	0.0098	7,995	78
	Chirikof (620)	0.0031	2,304	7
	Kodiak (630)	0.0002	4,889	1
	Annual			
WYK (640)	0	1,398	0	
SEO (650)	0	6,157	0	
Pacific cod	A Season			
	January 1 - June 10			
	W inshore	0.0902	10,876	981
	W offshore	0.2046	1,208	247
	C inshore	0.0383	15,339	587
	C offshore	0.2074	1,704	353
	B Season			
	September 1 - December 31			
	W inshore	0.0902	7,251	654
	W offshore	0.2046	806	165
	C inshore	0.0383	10,226	392
	C offshore	0.2074	1,136	236
	Annual			
	E inshore	0.011	3,346	37
E offshore	0	372	0	
Flatfish deep-water	W	0.0035	420	1
	C	0	4,163	0
	E	0	4,124	0
Rex sole	W	0	1,147	0
	C	0	5,446	0

Species	Apportions and allocations by area/processor/gear	Ratio of 1996-2000 non-AFA crab vessel catch to 1996-2000 total harvest	Proposed 2007 TAC	2007 non-AFA crab vessel sideboard limit
	E	0	2,507	0
Flathead sole	W	0.0002	2,000	0
	C	0.0004	5,000	2
	E	0	2,148	0
Flathead shallow-water	W	0.0059	4,500	27
	C	0.0001	13,000	1
	E	0	2,472	0
Arrowtooth flounder	W	0.0004	8,000	3
	C	0.0001	30,000	3
	E	0	5,000	0
Sablefish	W	0	494	0
	C	0	1,238	0
	E	0	283	0
Pacific ocean perch	W	0	4,244	0
	C	0	7,612	0
	E	0	2,780	0
Shortraker rockfish	W	0.0013	153	0
	C	0.0012	353	0
	E	0.0009	337	0
Rougheye rockfish	W	0.0067	136	1
	C	0.0047	611	3
	E	0.0008	241	0
Other rockfish	W	0.0035	577	2
	C	0.0033	386	1
	E	0	519	0
Northern rockfish	W	0.0005	1,439	1
	C	0	3,499	0
Pelagic shelf rockfish	W	0.0017	1,466	2
	C	0	3,325	0
	E	0	751	0
Thornyhead rockfish	W	0.0047	513	2
	C	0.0066	989	7
	E	0.0045	707	3
Big skate	W	0.0392	695	27
	C	0.0159	2,250	36
	E	0	599	0
Longnose skate	W	0.0392	65	3
	C	0.0159	1,969	31
	E	0	861	0
Other skates	GW	0.0176	1,617	28
DSR	SEO	0	410	0

Species	Apportions and allocations by area/processor/gear	Ratio of 1996-2000 non-AFA crab vessel catch to 1996-2000 total harvest	Proposed 2007 TAC	2007 non-AFA crab vessel sideboard limit
Atka mackerel	GW	0	1,500	0
Other species	GW	0.0176	4,500	79

Proposed Exemption from B Season Pacific cod Sideboard Limit after November 1 (New)

In April 2007, the Council proposed an option that would exempt non-AFA sideboarded crab vessels from B season sideboard limits for Pacific cod after November 1 if the quota in the specific sub-area would not be reached by the participating vessels by December 31st. Although it is not noted in the motion, it is assumed the exemption would apply only to those non-AFA crab vessels/licenses that are eligible to participate in the GOA Pacific cod fishery. In October 2007, the AP recommended language that would limit the exemption to those vessels/licenses (85 vessels/35 licenses) that are eligible to participate in the GOA Pacific cod fishery.

Note that some level of coordination will likely be necessary as this action and ongoing Council action addressing fixed gear recency and Pacific cod sector splits in the GOA continue to move forward. At the October 2007 meeting, the Council directed staff to begin analysis of an amendment to remove latent fixed gear licenses from Central and Western Gulf of Alaska fisheries. Also at the October 2007 meeting, the Council reviewed a draft EA/RIR/IRFA for the proposed GOA Pacific cod sector split. This proposed action analyzes the impacts of allocating the Western and Central GOA Pacific cod TACs among the fixed gear sectors (hook-and-line catcher processors, hook-and-line catcher vessels, pot catcher processors, $\geq 60'$ pot catcher vessels, and pot vessels $< 60'$ in length), jig sector, and trawl sectors based on recent sector catch histories. Both actions are intended to provide stability and protect long-term investments of participants in the fishery by establishing sector allocation that reflects historic use of the Pacific cod resource by each sector. Both of these actions would likely influence the final outcome of the proposed GOA sideboard exemption for B season Pacific cod, so coordination between the different packages will be necessary as these actions move forward.

GOA Pacific cod fishing is divided into two seasons. For fixed gear, the A season is January 1 through June 10, while the B season is September 1 through December 31. For trawl gear, the A season is January 20 through June 10, while the B season is September 1 through November 1. The seasonal Pacific cod allocations are apportioned between the inshore sector (90 percent of the TAC) and offshore sector (10 percent of the TAC). Any overage or underage of GOA Pacific cod allowance from the A season may be subtracted from or added to the subsequent B season allowance.

The A and B season TACs are not utilized equally (see Table 7 and Table 8). The A season TAC, which is harvested when Pacific cod are aggregated and roe peaks, is typically fully harvested. In recent years, A season catches have substantially exceeded A season TACs in both the Western and Central Gulf. Most of this overage is a result of incidental catch after the A season has closed to directed fishing, but prior to June 10th, when the A season ends. Incidental catch between the A and B seasons is substantial, particularly by the inshore sector in the Central Gulf. Incidental catch made between the A and B season accrues to the B season TAC, but due to limited directed fishing effort during the B season, much of the B season TACs have remained unharvested.

Table 7. Pacific cod catch during the A and B seasons by the inshore and offshore sectors in the Western Gulf, 2003-2006

Year	Inshore						Offshore					
	A season			B season			A season			B season		
	TAC	Catch	Percent harvested	TAC	Catch	Percent harvested	TAC	Catch	Percent harvested	TAC	Catch	Percent harvested
2003	8,343	10,057	120.5	5,562	3,972	71.4	927	2040	220.1	618	165	26.7
2004	9,157	10,536	115.1	6,104	3,738	61.2	1017	626	61.6	679	655	96.5
2005	8,471	10,298	121.6	5,647	1,686	29.9	941	123	13.1	628	300	47.8
2006	10,876	12,299	113.1	7,251	1,349	18.6	1208	666	55.1	806	429	53.2

Source: NMFS Annual Catch Reports, 2003-2006.

Table 8. Pacific cod catch during the A and B seasons by the inshore and offshore sectors in the Central Gulf, 2003-2006

Year	Inshore						Offshore					
	A season			B season			A season			B season		
	TAC	Catch	Percent harvested	TAC	Catch	Percent harvested	TAC	Catch	Percent harvested	TAC	Catch	Percent harvested
2003	12,253	15679	128.0	8,168	6,922	84.7	1361	1,440	105.8	788	908	115.2
2004	14,643	15673	107.0	9,761	9,860	101.0	1627	1,347	82.8	1,085	584	53.8
2005	13,547	12688	93.7	9,660	9,660	100.0	1414	91	6.4	1,003	270	26.9
2006	15,339	15529	101.2	10,226	6,083	59.5	1679	25	1.5	1,136	1,378	121.3

Source: NMFS Annual Catch Reports, 2003-2006.

In recent years, the A seasons for the Gulf Pacific cod fisheries have closed approximately one month after the trawl gear opening on January 20th because the TAC has been fully harvested (see Table 9). In 2005 in the Central Gulf, the A season inshore TAC was fully fished just 7 days after the trawl season opened. Halibut PSC restrictions have occasionally limited A season harvests by the trawl sector. During the B season, the trawl fishery has been closed due to halibut PSC restrictions in 4 of the past 6 years (see Table 10 and Table 11). The hook-and-line sector's B season has been closed twice in the past 6 years due to halibut PSC limits.

Table 9. Pacific cod A season closures for the Western and Central Gulf of Alaska, 2001-2007.

Year	Western Gulf				Central Gulf			
	Inshore		Offshore		Inshore		Offshore	
	Date	Reason	Date	Reason	Date	Reason	Date	Reason
2001	27-Feb	TAC	24-May	TAC	4-Mar	TAC	24-May (TRW)	HAL
2002	26-Feb	TAC	9-Feb	TAC	9-Mar	TAC	25-Mar	TAC
2003	17-Feb	TAC	20-Mar	TAC	9-Feb	TAC	1-Feb	TAC
2004	24-Feb	TAC	8-Mar	TAC	31-Jan	TAC	2-Feb	TAC
2005	24-Feb	TAC	22-Feb	TAC	26-Jan	TAC	22-Feb	TAC
2006	23-Feb (TRW) ¹	HAL	19-Feb	TAC	23-Feb (TRW) ²	HAL	19-Feb	TAC
2007	8-Mar	TAC	14-Feb	TAC	27-Feb	TAC	14-Feb	TAC

¹ Season closed to other gear groups on March 2 when TAC reached.

² Season closed to other gear groups on Feb 28 when TAC reached.

Source: NMFS Alaska region season closures summary.

Table 10. Pacific cod B season closures for the trawl and hook-and-line sectors in the Western Gulf of Alaska, 2001-2006.

Year	Inshore		Offshore		Inshore		Offshore	
	Trawl				Hook-and-line			
Year	Date	Reason	Date	Reason	Date	Reason	Date	Reason
2001	21-Oct	HAL	21-Oct	HAL	4-Sep	HAL	4-Sep	HAL
2002	13-Oct	HAL	3-Oct	TAC	23-Nov	TAC	3-Oct	TAC
2003	12-Sep	HAL	not opened	TAC	25-Sep	TAC	not opened	TAC
2004	1-Oct	HAL	1-Oct	HAL	2-Oct	HAL	2-Oct	HAL
2005	1-Oct	HAL	1-Oct	HAL	31-Dec	n/a	31-Dec	n/a
2006	8-Oct	HAL	8-Oct	HAL	31-Dec	n/a	31-Dec	n/a

Source: NMFS Alaska region season closures summary.

Table 11. Pacific cod B season closures for the trawl and hook-and-line sectors in the Central Gulf of Alaska, 2001-2006.

Year	Inshore		Offshore		Inshore		Offshore	
	Trawl				Hook-and-line			
Year	Date	Reason	Date	Reason	Date	Reason	Date	Reason
2001	21-Oct	HAL	21-Oct	HAL	4-Sep	HAL	4-Sep	HAL
2002	not opened	TAC	8-Oct	TAC	26-Sep	TAC	8-Oct	TAC
2003	3-Sep	TAC	14-Oct	TAC	3-Sep	TAC	14-Oct	TAC
2004	1-Oct	HAL	1-Oct	HAL	2-Oct	HAL	2-Oct	HAL
2005	1-Oct	HAL	1-Oct	HAL	31-Dec	n/a	31-Dec	n/a
2006	8-Oct	HAL	8-Oct	HAL	31-Dec	n/a	31-Dec	n/a

Source: NMFS Alaska region season closures summary.

Given that the trawl sectors are prohibited from fishing for GOA Pacific cod after November 1 due to Steller sea lion regulations and based on current harvest patterns of GOA Pacific cod during the B season, there appears to be available TAC for the eligible non-AFA crab Pacific cod participants to harvest any remaining Western and Central Gulf inshore Pacific cod after November 1, but less available TAC from the offshore apportionment.

Proposed Sideboard Options for Non-AFA Crab Rationalized Vessels (New)

As noted above, the Council included an exemption for those qualified vessels that demonstrated dependence on the GOA Pacific cod fishery. In April 2007, the Council proposed an option to make the exempted vessel status for those crab vessels that participate in the GOA Pacific cod fishery slightly less stringent in order provide GOA Pacific cod dependent fishermen sideboard exemption status for GOA Pacific cod fishery. In addition, the Council included an option that would exempt non-AFA crab vessels that participate in the GOA pollock fishery from GOA pollock sideboard limits. Presented below are the options under consideration:

Exempted vessel status for Pacific cod:

Option 1: No changes to the exempted status requirements

Option 2: Exempt Non-AFA crab vessels from GOA Pacific cod sideboards if the vessel's Bering Sea opilio allocation is less than 0.22% and the vessel landed more than 500 mt of GOA Pacific cod from 1996 to 2000.

Sub-Option A: To receive exempted status, vessel/LLP would forfeit their BS opilio crab shares.

Sub-Option B: To receive exempted status vessel/LLP would forfeit their BS opilio crab shares that are in excess of the 100,000 pound landing threshold during the qualifying years 1996 to 2000.

Exempted vessel status for pollock:

Option 1: No exempted status

Option 2: Exempt Non-AFA crab vessels from GOA pollock sideboards if the vessel's Bering Sea opilio allocation is less than 0.22% and the vessel had 1) 5 pollock deliveries 2) 10 pollock deliveries or 3) 20 pollock deliveries from 1996 to 2000.

Pacific cod Exemption

Under the Crab Rationalization Program, crab harvest quota was issued to persons holding valid LLP licenses. Given that quota was issued to LLP licenses and not vessels, determining which vessels have less than 0.22 percent of the BS snow crab quota issued is very complex and time consuming. Adding to the difficulty of determining the percent of crab quota issued by vessel is that participants were allowed to drop years during the initial allocation of snow crab and allocations were based on average annual percentage (rather than percent of total) of qualified catch. In addition, in cases where awarded snow crab quota was based on catch from more than one vessel, accurately assigning the crab quota allocation from the license to the originating vessels is further complicated.

To simplify the action and increase the predictability of the effects, the Council may want to utilize an approach similar to the current Pacific cod sideboard exemption regulations. As noted above, the current sideboard exemption is available to the vessels landing less than 100,000 lbs in BS snow crab and more than 500 mt of GOA Pacific cod between 1996 and 2000. Note, that ongoing crab adjudication could continue to change the denominator used to determine a vessel's percent of total qualified snow crab harvest. A simpler approach would be to establish a specific poundage threshold that approximately 0.22 percent of the total qualified snow crab harvest. Based on current information, such a threshold would be 1.2 million pounds. Using a threshold of 1.2 million pounds of qualified snow crab harvested combined with landings of greater than 500 mt of GOA Pacific cod, yields approximately six new exempt vessels and six new exempt licenses.² In order to mirror the crab rationalization regulations, it is assumed that Option 2 would also apply to LLP licenses that were generated on qualified exempt vessels.

In October 2007, the AP recommended new language for Option 2 that replaces "allocation" with "catch history." This recommendation would remove the difficult language noted above. Also in October 2007, the AP also recommended a third option that requires a vessel's BS snow crab history to be less than 500,000 lbs and its GOA Pacific cod landings to be greater than 2,500 mt between 1996 and 2000. Based on an initial analysis, less than four new vessels/licenses would meet these qualifications.

Two suboptions were also included under Option 2. The first suboption would require an exempted status vessel/LLP to forfeit their BS snow crab quota shares. The second suboption would require exempted status vessel/LLP to forfeit their BS snow crab quota shares that are excess of 100,000 pound landing

² Data used for this analysis was from State of Alaska fish tickets. Deliveries to motherships were not included in the analysis since the delivering vessels were not reported on the fish tickets.

threshold during the same qualifying years. The language in the suboption are not clear whether this applies only to the new exempt vessels/LLPs or to all exempt vessels/LLPs to include those currently exempt. Even more problematic, if since implementation of crab rationalization a participant has sold their crab quota, requiring a vessel/LLP to forfeit their quota may not be possible.

Under Suboption A, the six new exempt vessels under Option 2 would have to forfeit a combined amount of approximately 0.68 percent of BS snow crab, while under Suboption B, these six new exempt vessels would forfeit a combined amount of approximately 0.57 percent. Applying these percents to 2006 BS snow crab TAC, under Option A approximately 248,676 pounds would be forfeited by the new exempt vessels, while under Option B approximately 208,449 pounds would be forfeited by the same group of vessels. Applying Suboptions A and B to the AP recommended Option 3 would release confidential catch data on the one vessel that appears to qualify under this option and thus the forfeited snow crab amount under both Options A and B cannot be published in the analysis.

Also included in the April 2007 action was a request of initial analysis of the number of vessels and licenses that would be exempt from GOA pollock sideboards. For the same reasons outlined above in the GOA Pacific cod exemption, determining which vessels have less than 0.22 percent of the BS snow crab quota issued is very complex and time consuming. The AP recommended language that would simplify the snow crab threshold which removes the analytical difficulty. As noted above, to simplify the action and increase the predictability of the effects, the Council again may want a simpler approach that would establish a specific poundage threshold that approximately 0.22 percent of the total qualified snow crab harvest. Based on current information, such a threshold would be 1.2 million pounds.

Pollock Sideboard Exemption

In April 2007, the Council included an option that would exempt non-AFA crab vessels from GOA pollock sideboards. To qualify for the pollock exemption, a vessel's BS opilio allocation would have to be less than 0.22 percent and the vessel had (1) 5 pollock deliveries, (2) 10 pollock deliveries, or (3) 20 pollock deliveries from 1996 to 2000. As noted above, under the Crab Rationalization Program, crab harvest quota was issued to persons holding valid LLP licenses. Given that quota was issued to licenses and not vessels, determining which vessels have less than 0.22 percent of the BS snow crab quota issued is very complex and time consuming. Using an approach similar to the Pacific cod sideboard exemption noted above could simplify the action. Applying this approach, the total number of vessels that have less than 1.2 million pounds of qualified snow crab and made at least five deliveries of pollock during the 1996 to 2000 period is four or less³. These same four or less vessels also appear to qualify if 10 deliveries of pollock were required. Under the option requiring 20 deliveries, again 4 or less vessels appear to qualify for the pollock sideboard exemption.

Analysis of Crab Rationalization Linked GOA Groundfish License that were Transfers

In April 2007, the Council asked staff to analyze the number of GOA groundfish licenses previously assigned to a vessel qualified for the crab rationalization program that were later transferred and used in the GOA pot cod fishery. Based on this language, there appears to be two groups of GOA groundfish licenses that could participate in the pot cod fishery. The first group of transferred licenses originates from vessels that generated snow crab quota. With the exception of Pacific cod, any vessel, and any associated GOA LLP license on that vessel, which generated snow crab quota and landed more than 50 mt of GOA groundfish is subject to a GOA Pacific cod sideboard (Table 6). If later, the GOA groundfish license is transferred to another GOA vessel, the groundfish license is restricted to the GOA Pacific cod

³ Data used for this analysis was from State of Alaska fish tickets. Deliveries to motherships were not included in the analysis since the delivering vessel was not reported on the fish tickets.

sideboard fishery. The second group of transferred licenses originates from vessels that generated crab quota other than snow crab but the GOA groundfish license was assigned to vessel other than the originating vessel.⁴ GOA groundfish licenses of this nature are not restricted by GOA sideboards and therefore if transferred would not subject the license holder to sideboards.⁵

To determine the number of GOA groundfish licenses that were transferred, a list of all GOA groundfish licenses that were originally assigned to a qualified snow crab vessel and later transferred to another vessel was prepared by RAM. Of that list, 11 licenses that were qualified to participate in the GOA Pacific cod sideboard fishery were transferred and one license that was exempt from GOA Pacific cod sideboard transferred.

Table 12 provides vessel numbers and aggregate annual pot Pacific cod retained catch from 2002 to 2006 for those vessels with transferred GOA groundfish licenses that originated on a vessel that generated snow crab quota. Of the 12 transferred licenses that were permitted to fish in the pot cod fishery, only eight vessels have participated during the 2002 to 2006 period.

Table 12. Participation numbers and retained pot Pacific cod catch for vessels with transferred GOA groundfish licenses that originated on vessels that generated snow crab quota

	2002	2003	2004	2005	2006
Number of vessels	3	4	4	5	3
Retained Catch (mt)	183 ^a		517	693 ^a	

^a To protect confidential data, average annual retained catch was used for the 2002-2003 period and 2005-2006 period
Source: State of Alaska Fish Tickets

The second group of potential transferred licenses was generated from the list of all LLP licenses prepared by RAM. Of that list, nine GOA groundfish licenses were initially assigned to a vessel that was different from the original vessel that generated crab quota other than snow crab. Of those nine, only three vessels have history in the GOA pot cod fishery during the 2002 to 2006 period.

Rockfish Pilot Program Sideboards

The Central Gulf of Alaska Rockfish Pilot Program was implemented on December 20, 2006. The program provides exclusive harvesting and processing privileges for a specific set of rockfish species and for associated species harvested incidentally to those rockfish in the CGOA. Recognizing that development of a rationalization program has the potential to adversely impact other fisheries, the Council established a suite of sideboard limits for participants in the Rockfish Pilot Program. Participants in this program are able to increase their effort in other fisheries because of the redistribution of effort under the rationalization program.

There are a suite of GOA sideboard limits for catcher processors and catcher vessels operating in the Central GOA Rockfish Pilot Program. There are two broad categories of sideboards – those that establish catch limits, and those that prohibit directed fishing. Catch limits are divided into limits on harvests in other GOA rockfish fisheries and limits on the amount of halibut mortality that can be used in GOA flatfish fisheries. The sideboard limits are in effect only during the month of July. The sideboards are designed to restrict fishing during the historical season for the fishery, but allow eligible rockfish

⁴ RAM in 2002 required license holders to name the vessel in which the license was to be used on in order to utilize the license, so in some cases the license holders initially assigned the license to a vessel other than the originating vessel.

⁵ Recall that in cases where vessels are subject to one sideboard and the LLP license used on that vessel are less restrictive, the more restrictive measure applies.

harvesters to participate in fisheries before and after the historical rockfish season. Sideboards would apply to State waters in the “parallel” fishery. Table 13 provides a detailed one page summary of the Rockfish Pilot Program sideboard limits for each sector. Management of sideboard limits are similar to other sideboard programs in that once sideboard limits are reached, directed fisheries are closed.

Table 13. Summary of Rockfish Pilot Program sideboard limits in each sector

July Catch Limit	CV Sector	C/P Cooperatives	C/P Limited Access	C/P“Opt-out”
Catch limits: Western GOA POP, Pelagic Shelf, and Northern Rockfish	A collective CV limit for each species in each region	Cooperative specific limit for each species in each region	A collective limit for all non-cooperative C/Ps for each species in each region	
West Yakutat POP, Pelagic Shelf, and Northern Rockfish	Fisheries closed due to low sideboard limit			
BSAI Pacific cod	CV Sector limit	N/A	N/A	N/A
Halibut mortality limits: GOA (1) Shallow-water limit, & (2) Deep-water limit	(1) shallow-water flatfish closed in the GOA when limit reached (2) deep-water flatfish closed due to low sideboard limit	(1) shallow-water flatfish closed in GOA when limit reached (2) deep-water flatfish closed due to low sideboard limit	(1) shallow-water flatfish closed in GOA when limit reached (2) deep-water flatfish closed due to low sideboard limit	
Prohibited fishing: BSAI groundfish (except pollock and IFQ sablefish)	July 1 - 31 prohibited directed fishing for most flatfish and rockfish	July 1- July 14	From July 1- until C/Ps harvest 90% of the CGOA POP (Only for C/Ps with more than 5% of the total C/P POP history)	N/A
GOA groundfish (except pollock and IFQ sablefish)	N/A	N/A ** (Assuming monitoring requirements met)		July 1 - July 14 – unless past activity

General Sideboard Provisions

CP and CV sectors have sideboard limits for West Yakutat pelagic shelf rockfish and POP and Western GOA pelagic shelf rockfish, POP, and northern rockfish. The sideboard limits will be based on each sector’s historic catch of target species in GOA fisheries during July. The sideboard limit applies both to qualified vessels and to any LLP licenses derived in whole or in part from the history of the qualified vessels. Sideboard restrictions apply even if the LLP license holder did not submit an application to participate in the Rockfish Program, but that LLP license is otherwise eligible to receive rockfish quota shares under the program. Non-exempt AFA vessels are exempt from sideboard limits under the Rockfish Program.

The calculation of GOA rockfish sideboard limits is based on the sector’s retained catch as a percentage of total retained catch in a fishery from July 1 to July 31 in each year from 1996 to 2002. There are separate sideboard ratios for each rockfish sideboard fishery and for each sector. Sideboard limits for the CV sector are applied at the sector level. For the CP sector, sideboard limits are applied at the rockfish

cooperative level. Each CP rockfish cooperative is assigned a sideboard limit as a percent of the general sideboard ratio for each fishery for the CP sector. The general sideboard ratio for each fishery is presented in Table 14

Similar to other sideboard programs, closures will be timed so that adequate amounts of the species are available for bycatch needs in other directed fisheries. For the month of July in 2007 and 2008, directed fishing for pelagic shelf rockfish and Pacific Ocean perch in the West Yakutat area and these same species plus northern rockfish in the Western GOA area by catcher vessels.

Table 14. 2007 Rockfish Program harvest limits by sector for West Yakutat and Western GOA

Management Area	Fishery	C/P sector (% of TAC)	CV sector (% of TAC)	2007 TAC (mt)	2007 C/P limit (mt)	2007 CV limit (mt)
West Yakutat	Pelagic Shelf rockfish	72.4	1.7	307	222	5
	Pacific ocean perch	76	2.9	1,140	866	33
Western GOA	Pelagic Shelf rockfish	63.3	0	1,466	928	0
	Pacific ocean perch	61.1	0	4,244	2,593	0
	Northern rockfish	78.9	0	1,439	1,135	0

Sectors are also limited in their catch by a second sideboard limit that is intended to constrain harvest from fisheries that are typically halibut constrained (Table 15). Halibut sideboard limits are established for the CV and CP sectors separately. Similar to the sideboard limits for rockfish, halibut PSC sideboard limits for the CP sector are also calculated at the cooperative level and at the sector level of the CV sector. For those CP vessels in the limited access group and opt-out group, their halibut PSC usage is deducted from the Amendment 80 GOA 3rd season deep water species sideboard limit (5.21 percent). NMFS will administer the sideboard on the deep-water complex and the shallow-water complex.⁶ The sideboards are set for Gulf-wide halibut usage, as halibut is currently managed on a Gulf-wide basis. If, in July, eligible vessels have caught the sideboard halibut amount within a complex, they would be precluded from participating in specific halibut sideboarded fisheries in the complex for the remainder of July. For example, once the shallow-water complex sideboard limit is reached for a sector or CP cooperative the flathead sole and shallow water flatfish fisheries would close for that sector or cooperative during the remainder of July. Similarly, once the sideboard limit is reached for deep-water complex, NMFS would close the rex sole, arrowtooth flounder, and deep water flatfish fisheries to fishing for that sector or cooperative for the remainder of July.

Note, since halibut is necessary to support the CGOA rockfish fishery, any halibut mortality in the CGOA rockfish fishery is deducted from the sector allocation of halibut PSC and not the sideboard limit for halibut. In contrast, any halibut mortality from GOA flatfish fisheries in the month of July will be deducted from the sideboard limit for the deep-water complex or the shallow-water complex, depending on the species of flatfish targeted.

⁶ The deep-water complex includes sablefish, rockfish, deepwater flatfish, rex sole, and arrowtooth flounder. The shallow-water complex includes flathead sole, shallow water flatfish, pollock, and Pacific cod.

Table 15. 2007 and 2008 Rockfish Program halibut mortality limits by sector

Sector	Shallow-water complex halibut PSC sideboard ratio	Deep-water complex halibut PSC sideboard ratio	Annual halibut mortality limit (mt)	Annual shallow-water complex halibut PSC sideboard limit (mt)	Annual deep-water complex halibut PSC sideboard limit (mt)
Catcher/Processor	0.54	3.99	2,000	11	80
Catcher vessel	6.32	1.08	2,000	126	22

Each rockfish cooperative in the CP sector will be assigned a percentage of each halibut PSC sideboard limit. The sideboard limit for the cooperatives are based on the aggregate halibut PSC used in the deep-water complex from July 1 through July 31 annually from 1996 to 2002 by all LLP licenses assigned to a rockfish cooperative, divided by the GOA annual halibut mortality limit (3.99%). Halibut from the primary rockfish fisheries in the CGOA is excluded from sideboard calculations. For the shallow-water complex sideboard limit, the calculations are the same but halibut mortality for the sector is 0.54%.

Sideboard Provisions for Catcher Vessels

In addition to rockfish and halibut PSC sideboard limits noted above, any qualified CV vessel may not participate in directed fishing in BSAI (and adjacent State waters) during the month of July for Alaska plaice, arrowtooth flounder, flathead sole, other flatfish, POP, rock sole, and yellowfin sole.

Sideboard Provisions for Catcher Processors Cooperatives (Updated to include proposed sideboard options)

In addition to the general sideboard limits noted above, CP vessels that join a cooperative are also prevented from participating in the directed groundfish fisheries in the BSAI and adjacent State waters from July 1 to July 14.⁷ All vessels in a rockfish cooperative must maintain an adequate monitoring plan while participating in the CGOA rockfish fishery or any directed sideboard fishery to be exempt from GOA groundfish prohibitions. If cooperative participants fail to maintain a monitoring plan, then cooperative participants would be prohibited from participating in GOA directed groundfish fisheries (IFQ sablefish fishery and CGOA rockfish fisheries) from July 1 through July 14 or until 90% of the cooperative's rockfish quota has been harvested.

In April 2007, the Council proposed an option for analysis that would remove the July 1 to July 14 stand down period for those vessels that participate in the rockfish pilot program (including limited access vessels) and participate in a cooperative in the BSAI fisheries under the Amendment 80 Program. The following is the option under consideration:

For the CP CGOA rockfish vessels that participate in the CGOA pilot program and also form cooperatives in the BSAI fisheries under Amendment 80, these vessels will be exempted from the July 1 to July 14 stand down period before entering the BSAI fisheries.

In October 2007, the AP recommended the Council initiate an analysis for a regulatory amendment to exempt CP trawl vessels that participate in the CGOA Rockfish pilot program cooperative or limited access sectors and also belong to a cooperative in the BSAI fisheries under Amendment 80 from the July stand-down period.

⁷ Sideboard limits do not apply to vessels while fishing for IFQ sablefish and pollock.

With the impending implementation of Amendment 80 in 2008, the July 1 to July 14 stand down for H&G trawl CP vessels that participate in the rockfish pilot program and Amendment 80 cooperatives may no longer be necessary to prevent encroachment on other BSAI fisheries. The original intent of the July 1 to July 14 stand down was to prevent rockfish participants from encroaching on the BSAI fisheries. Under Amendment 80, H&G trawl CP vessels will be allocated exclusive harvest privileges for BSAI yellowfin sole, rock sole, flathead sole, AI POP, and Atka mackerel. Eligible H&G trawl CP vessels are also authorized to form cooperatives. Although a specific count of vessels that qualify for the exemption cannot be determined at this time,⁸ the universe of H&G trawl CP vessels that participate in the rockfish pilot program and are eligible to form BSAI cooperatives under Amendment 80 is approximately 10. Table 16 provides a vessel count and harvest data in the BSAI during the July 1 to July 14 from 2003 to 2006 for these 10 vessels. Vessel counts in the BSAI during the July 1 to July 14 have ranged between 3 in 2006 and 6 in 2005. Harvest data shows that these vessels appear to be focusing their effort on AI POP and BSAI Pacific cod during the July 1 to July 14 period over the last four years.

Table 16. July 1 – July 14 BSAI harvest (mt) from H&G trawl CP vessels that participate in rockfish pilot program and are eligible to form Amendment 80 cooperatives in the BSAI

Species	2003	2004	2005	2006
Atka mackerel	53	20	14	*
Arrowtooth flounder	35	*	29	*
Sablefish	3	*	*	*
Flathead sole	*	*	6	*
Northern rockfish	*		*	*
Squid and other	*	*	*	*
Pacific cod	182	56	132	*
Pollock	38	33	33	*
POP	816	*	453	*
Rock sole	*	*	6	*
Shortraker/Rougheye	*	*	*	*
Other rockfish	*	*	*	*
Turbot	*	0		*
Yellowfin sole			*	
Total	1,228	989	696	*
Vessel Count	5	5	6	3

*Concealed for confidentiality.

In general, H&G trawl CP vessels that form cooperatives in the BSAI could not encroach on other BSAI fisheries given the allocations to the H&G trawl CP vessels are hard caps. Under a hard cap management, when the cooperative's allocation of one species is fully harvested, all directed fishing by that cooperative for that species, as well as any directed fisheries in which the species could be caught incidentally, close. Vessels exempt from the two week stand down, that otherwise would be forced to fish in the GOA or lay idle, would be free to select the area that generates the maximum revenue. In some cases this would result in H&G trawl CP vessels selecting the BSAI area.

Sideboard Provisions for Catcher Processors Limited Access

In addition to the general sideboard provisions noted above, participants that elect to fish in the limited access fishery that have in excess of 5% of the sector's qualified catch of CGOA POP are subject to additional limits from July 1 until 90% of the CGOA POP that is allocated to the limited access fishery for the CP sector has been harvested. During that time period, CPs that are in the limited access may not participate in 1) the CGOA rockfish limited access fishery, and 2) the BSAI groundfish fishery.

⁸ Amendment 80 is expected to be implemented in January 2008. In addition, vessel numbers could vary over time since cooperative formation under Amendment 80 is voluntary.

Sideboard Provisions for Catcher Processors Opt-Out

In addition to the general sideboard limits noted above, qualified participants that choose to opt-out of the rockfish pilot program would be prevented from participating in any directed fishery that the license holder did not participate in during the first week of July in at least two of the seven qualifying years. These seven qualifying periods are:

- June 30, 1996 through July 6, 1996
- June 29, 1997 through July 5, 1997
- June 28, 1998 through July 4, 1998
- July 4, 1999 through July 10, 1999
- July 8, 2000 through July 15, 2000
- July 1, 2001 through July 7, 2001, and
- June 30, 2002 through July 6, 2002.

Participation in area 650 during the qualifying period will count toward area 640 qualification. This provision is intended to prevent participants with multiple licenses and substantial history from opting out of the program with one license and entering other fisheries in which the license holder has no history.

Amendment 80 Sideboard

In June 2006, the Council took final action on Amendment 80, which included H&G trawl sideboard limits in the GOA. The Secretary of Commerce approved the action on July 26, 2007 and the final rule was published on September 14, 2007. The action would allow members of the H&G trawl CP sector to form cooperatives in the BSAI, which should allow them to more nearly optimize when and where they fish. Increased flexibility in planning their fishing year is expected to enable participants to alter their historic fishing patterns and improve their efficiency. It also could allow participants to change their fishing patterns to give them a competitive advantage over participants in non-rationalized GOA fisheries. As seen from Figure 3, the preferred alternative in Amendment 80 would establish groundfish sideboards for pollock, Pacific cod, Pacific Ocean perch, northern rockfish, and pelagic shelf rockfish. Sideboard limits would also be established for halibut PSC. Amendment 80 sideboards apply to vessels and LLPs used to generate harvest shares that result in allocation of TACs to the H&G trawl CP sector.

GOA Groundfish

GOA sideboard restrictions would be based on historic usage during the 1998-2004 qualifying period. Specifically, retained catch for non-exempt qualified H&G trawl CP vessels by GOA area as a percentage of total retained catch of all sectors in that area from 1998 to 2004. The sideboards are designed to limit participation in the pollock, Pacific cod, and directed rockfish fisheries (for species not allocated under the Rockfish Demonstration Program). The pollock and Pacific cod sideboards will constrain the harvest of these species by limiting a vessel's incentives to join the inshore component of the GOA fleet. Rockfish sideboard limits are less restrictive, but could provide some protections to the other GOA vessels operating in those rockfish fisheries. GOA groundfish sideboard percentages are provided in Table 17.

Figure 3. Summary diagram of the overall H&G trawl CP GOA sideboard program from Amendment 80

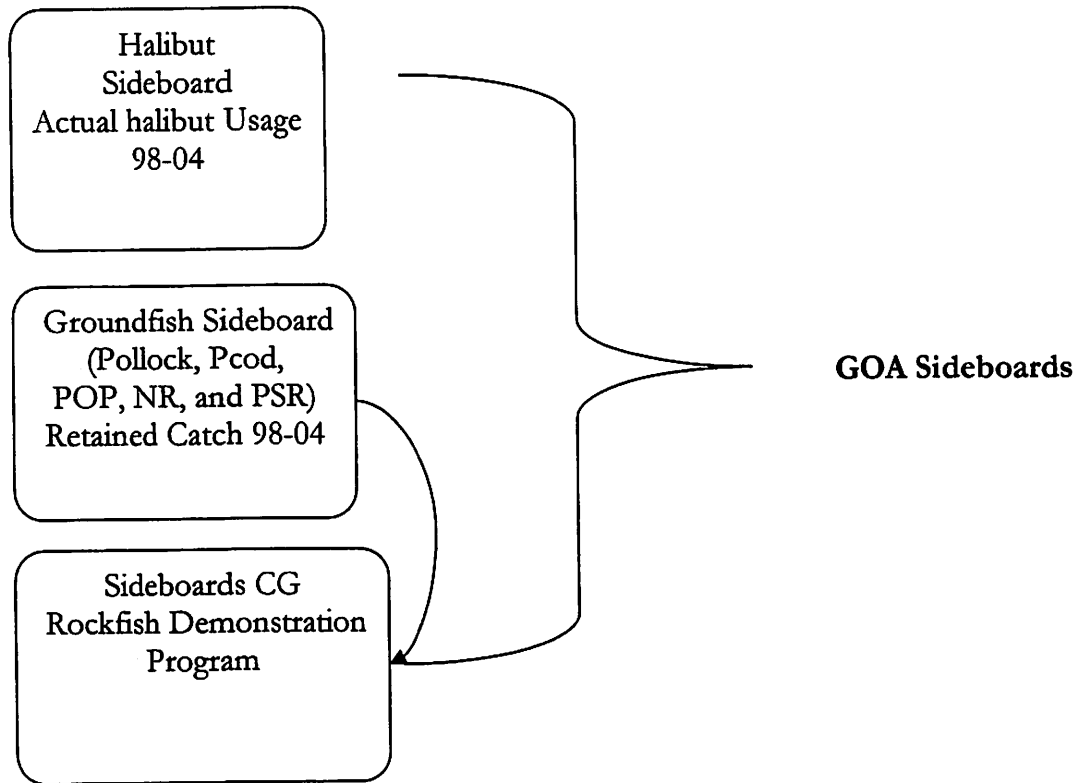


Table 17. Amendment 80 GOA sideboard estimates and average historic catch

Species	Sideboard %		Average Catch of H&G trawl CPs (95-03)
	Sideboard %	Estimated Sideboard (mt)	
Pollock			
Pollock 610	0.3%	91	120
Pollock 620	0.2%	34	100
Pollock 630	0.2%	19	
Pollock 640	0.2%	4	
Central Gulf			
Pacific Ocean Perch	RDP	RDP	RDP
Pelagic Shelf Rockfish	RDP	RDP	RDP
Northern Rockfish	RDP	RDP	RDP
Pacific Cod	4.4%	1,355	2,024
Western Gulf			
Pacific Ocean Perch	99.4%	2,549	1,456
Pelagic Shelf Rockfish	76.4%	288	135
Northern Rockfish	100.0%	808	443
Pacific Cod	2.0%	314	553
West Yakutat			
Pacific Cod	3.4%	*	*
Pacific Ocean Perch	96.1%	808	784
Pelagic Shelf Rockfish	89.6%	182	116

Source: Sideboard percent was estimated using the retained catch of the 28 H&G trawl CP vessels (as estimated in the Council IR/IU and GOA Rationalization data base) divided by the total retained catch of all vessels in the GOA, as reported in the NOAA Fisheries catch and bycatch reports (1995-2003).

RDP - Indicates that species will be managed under the Rockfish Demonstration Program

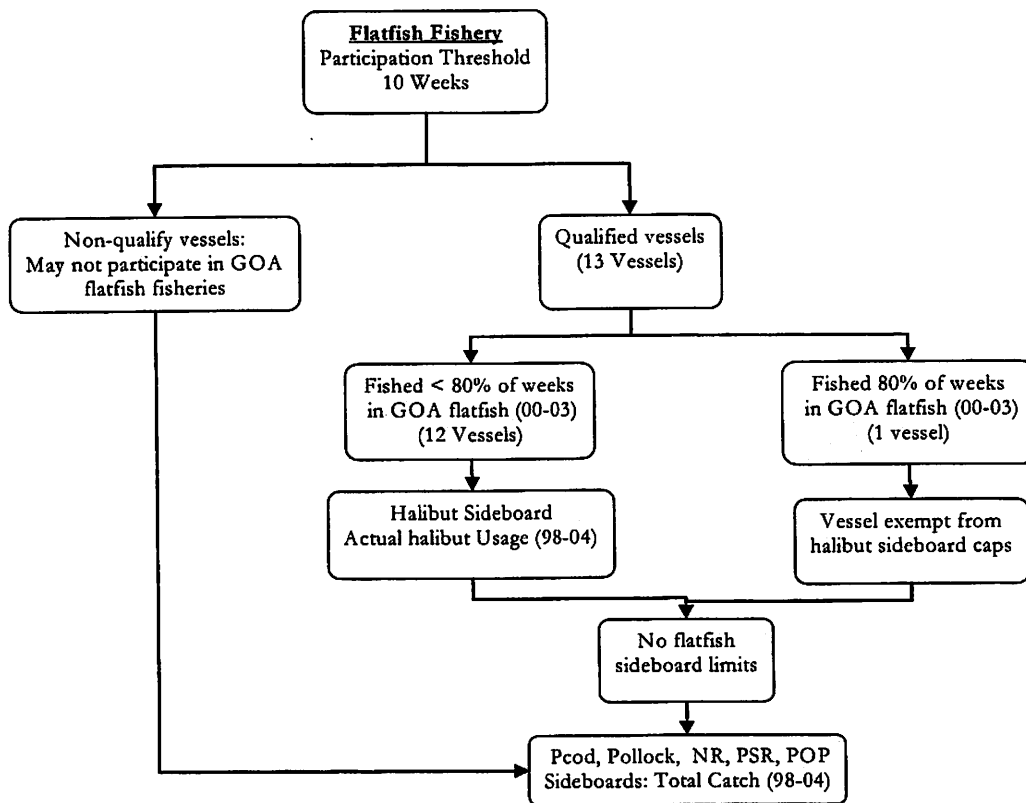
*Not report to protect confidential data

Halibut PSC Sideboards

As indicated in Figure 4, GOA flatfish fishery participation is limited to vessels that had more than 10 weeks of participation in the GOA flatfish fisheries. Vessels with more than 10 weeks of participation may target GOA flatfish within current TAC and PSC regulations. Vessels that did not fish a sufficient number of weeks would not be allowed to harvest GOA flatfish in a directed fishery in the future. Under the Table 39 to part 679 of the regulation, 13 H&G trawl CP vessels qualify to target flatfish in the GOA. Table 38 to part 679 shows the percentages of the deep water flatfish complex and shallow water flatfish complex halibut PSC limits, by quarter. GOA halibut PSC caps would be set based on historic usage of halibut PSC by the H&G trawl CP sector from 1998 to 2004.

The Council included an exemption from the GOA halibut sideboards if a vessel had fished 80% of their weeks in the GOA flatfish fisheries from January 1, 2000 through December 31, 2003. The historic catch of exempt vessels will not contribute to the halibut sideboard limit calculations and the future catch of exempt vessels will not count against the halibut sideboard caps. Exempt vessels would be prohibited from directed fishing for all other sideboard species in the GOA (rockfish, Pacific cod, and pollock). Finally, exempt vessels may lease their BSAI Amendment 80 history. Based on the Amendment 80 EA/RIR/IRFA, only the F/V Golden Fleece qualifies to be exempt from GOA halibut sideboards.

Figure 4. Diagram of GOA flatfish fishery threshold and GOA sideboard program



Adjust 3rd Season Deep Water Fishery Sideboard limit

At the October 2007 meeting, the AP recommend the Council initiate a regulatory amendment to increase Amendment 80 3rd season deep water halibut PSC sideboard limit by the amount of halibut PSC that would have been allocated to vessels in the rockfish catcher-processor limited access and opt-out fisheries had they joined a rockfish cooperative. Currently rockfish halibut PSC usage by the CP vessels in the Rockfish Program limited access and opt-out fishery will be deducted from the Amendment 80 3rd season deep-water halibut PSC sideboard limit even though the Amendment 80 sideboard limit does not include halibut that would have been allocated to limited access or opt-out vessels. The deduction of halibut PSC usage by the limited access and opt-out vessels from the Amendment 80 3rd season deep water fisheries sideboard limit could be considered unfair since the sideboard limit does not include the historical halibut PSC usage from those vessels in the limited access and opt-out group. In contrast, the current rule could be argued to create an incentive for all eligible Amendment 80 vessels to join a rockfish cooperative and for cooperatives to entice vessels to join.

Looking at 2007 halibut PSC usage by Amendment 80 vessels in the limited access and opt-out groups combined with non-rockfish Amendment 80 vessels only used 79 percent of their sideboard limit. As noted in Table 18, halibut PSC usage during the 2007 3rd season in the deep water fishery was approximately 9 mt for the Rockfish limited access fishery and 73 mt for the Amendment 80 vessels non-rockfish vessels. In total 82 mt of the 104 mt halibut PSC sideboard limit was utilized for the 2007 fishing year. If 2007 is typical of halibut PSC usage in the 3rd season deep water fisheries, then action by the Council may not be necessary at this time. However, if the Council wished to pursue the AP's recommendation, the following section and figures should help illustrate the issue.

Figure 5, the trawl halibut PSC limit is apportioned between shallow water and deep water species and the different seasons. Figure 6 shows more detail of halibut PSC apportioned in the 3rd season deep water species and further elaborates the maximum apportionment of halibut PSC between three user groups, the rockfish CV cooperatives, rockfish CP cooperatives, and the non-rockfish participants. Figure 6 assumes all rockfish qualified vessels join a cooperative. If some rockfish participants elect to not join a cooperative, then the amount apportioned to the cooperative would be reduced by the catch quota associated with those vessels. For example, if a CP vessel joined the limited access and it's associated halibut PSC catch quota is 8 mt, then the CP cooperative halibut PSC catch quota would be reduced by 8 mt. Continuing the example, Figure 7 shows the 8 mt associated with the limited access vessel would then be applied to the non-rockfish halibut PSC apportionment amount (176 mt plus 8 mt). Any halibut usage by this vessel would then be deducted from the non-rockfish halibut PSC apportionment and the Amendment 80 3rd season deep water halibut PSC sideboard limit. Figure 8 demonstrates graphically the AP recommendation which would be to increase the Amendment 80 3rd season halibut PSC sideboard limit by the amount of halibut PSC catch quota that would be apportioned to the non-rockfish halibut PSC group.

Table 18. Total 3rd season deep water halibut PSC used in the Rockfish Program in 2007

Total 3 rd season deep-water trawl halibut PSC limit (July 1 – Sep. 1)	Halibut PSC CQ issued to Rockfish Cooperatives (CV)	Halibut PSC CQ issued to Rockfish Cooperatives (CP)	Amount available for non-Rockfish CQ fishing	Halibut PSC used in the Rockfish Limited Access	Halibut PSC used by Amendment 80 vessels ⁹ (No Rockfish CQ or Rockfish Limited Access Fishery Halibut PSC included)	Total Halibut PSC used by Amendment 80 vessels ¹⁰	Halibut PSC used by non-Amendment 80 vessels, Rockfish CVs using halibut PSC not assigned as Rockfish CQ, Rockfish Entry Level Fishery & F/V GOLDEN FLEECE ¹¹	Total halibut PSC used
400 mt	115 mt	61 mt	224 mt	9 mt	73 mt	82 mt	8 mt	90 mt
Total amount of 3 rd season deep-water trawl halibut PSC remaining				134 mt (224 mt – 90 mt)				

⁹ This amount includes all halibut PSC used by Amendment 80 vessels (except the F/V GOLDEN FLEECE). This amount includes halibut PSC used by Amendment 80 vessels when fishing off of their Rockfish Halibut PSC sideboard limit (50 mt in 2007), and all other halibut PSC used by Amendment 80 vessels in non-Rockfish Halibut PSC sideboard limited fisheries (e.g., deep water flatfish after July 31, or halibut PSC used by Amendment 80 vessels not subject to the Rockfish Program Halibut PSC sideboard limits).

¹⁰ This amount excludes the F/V GOLDEN FLEECE

¹¹ Note that catcher vessels in the Rockfish Program are subject to a Rockfish Halibut PSC sideboard limit of 22 mt. However, CVs did not use any halibut PSC assigned to this sideboard limit. In addition, Rockfish CVs can fish in the deep-water complex after July 31 and are not subject to a Rockfish Halibut PSC Sideboard limit. Any halibut PSC used by Rockfish CVs after July 31 during the 3rd season is included in this amount.

Figure 5. GOA trawl halibut PSC limits for shallow water and deep water species

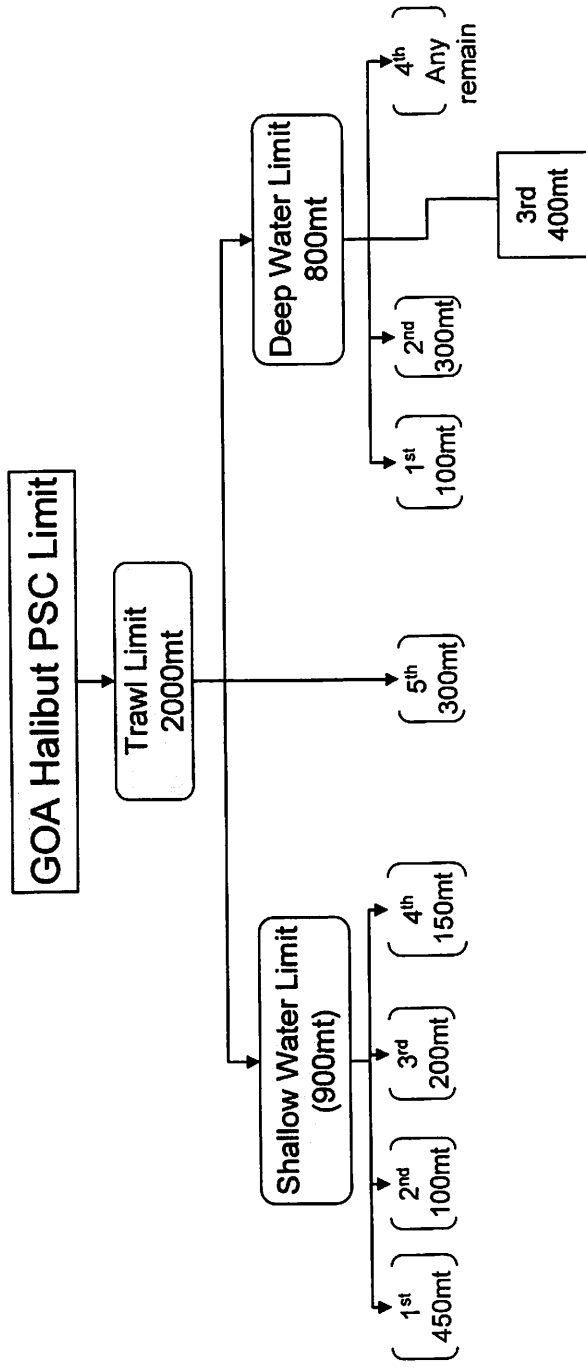


Figure 6. Apportionment of 3rd season deep water species halibut PSC when all rockfish CV and CP vessels join a cooperative

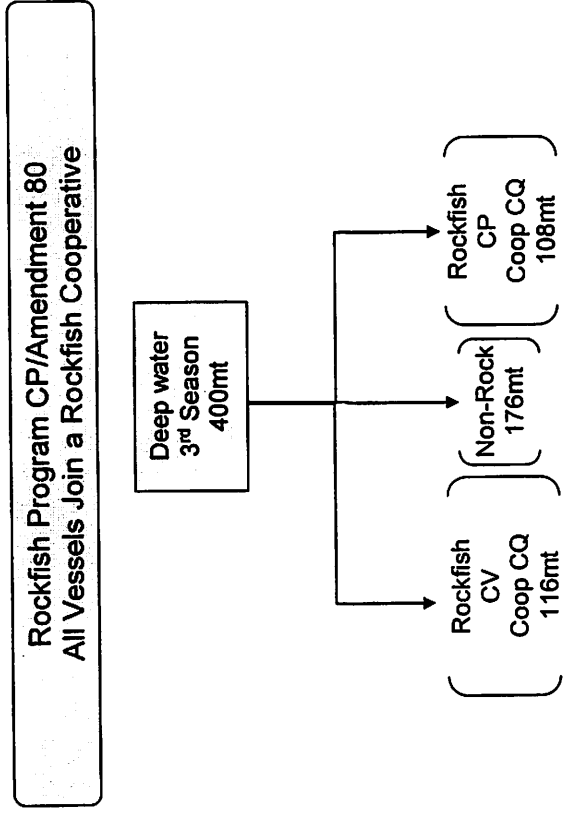


Figure 7. Example of 3rd season deep water species halibut PSC apportionment if CP vessel with 8 mt of halibut PSC catch quota joins the limited access or opt-out group.

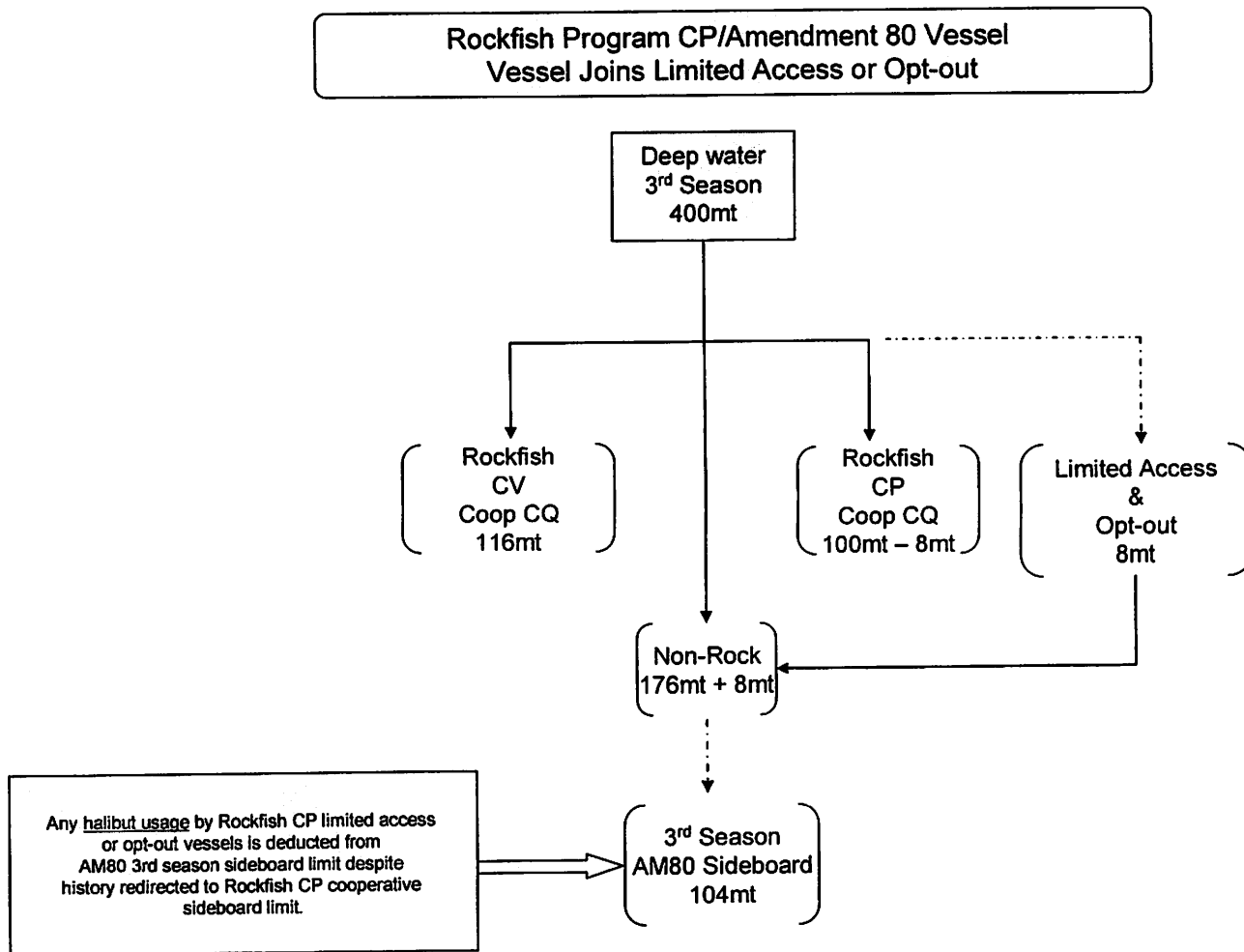
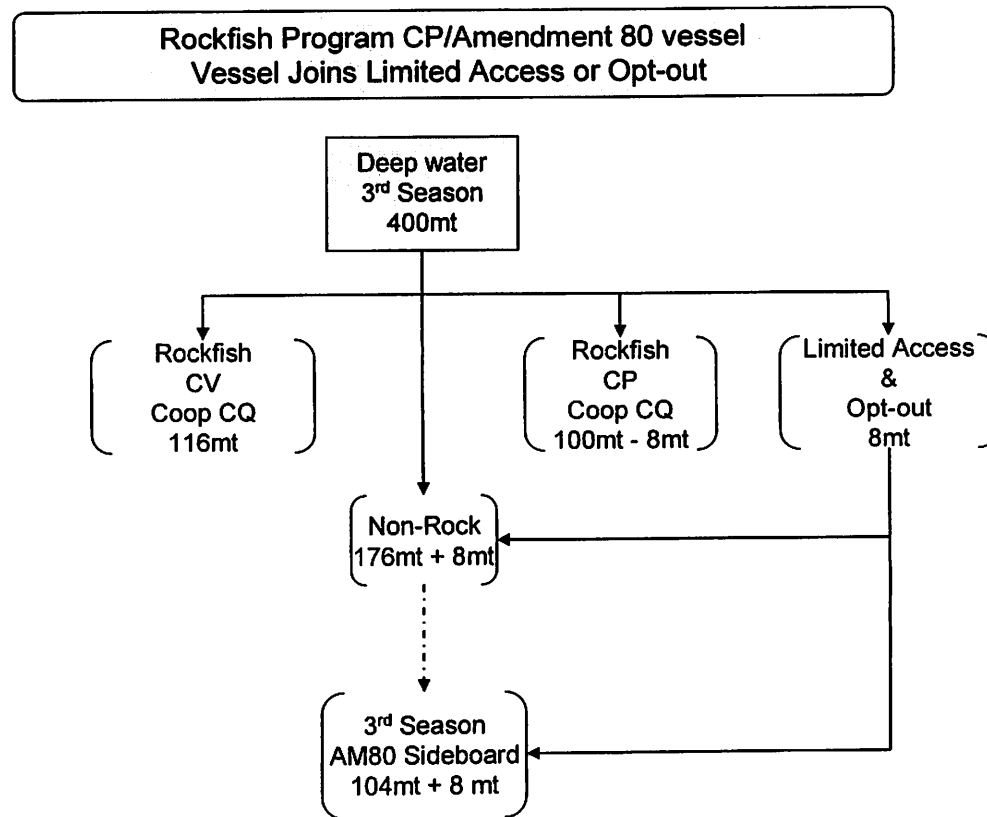


Figure 8. Example of redirected 3rd season deep water species halibut PSC catch quota for CP limited access or opt-out vessels



Summary of all GOA Sideboards (New)

In April 2007, the Council requested a list of sideboard limits by fishery and area for the different rationalization programs. Presented in Table 19 and Table 20 are all of the sideboard percents and 2007 sideboard amounts for each of the rationalization programs by fishery and area.

Table 19. GOA sideboard ratios by species and area for different rationalization programs

Species	Apportions and Allocations by Area/Processor/Gear	AFA CV Sideboard Ratio	Non-AFA Crab Sideboard Ratio	Amendment 80 Sideboard Ratio	Rockfish Pilot CP Sideboard Ratio (July Only)	Rockfish Pilot CV Sideboard Ratio (July Only)
Pollock	A Season (W/C areas only)					
	January 20 - March 10					
	Shumagin (610)	0.6112	0.0098	0.003		
	Chirikof (620)	0.1427	0.0031	0.002		
	Kodiak (630)	0.2438	0.0002	0.002		
	B Season (W/C areas only)					
	March 10 - May 31					
	Shumagin (610)	0.6112	0.0098	0.003		
	Chirikof (620)	0.1427	0.0031	0.002		
	Kodiak (630)	0.2438	0.0002	0.002		
	C Season (W/C areas only)					
	August 25 - October 1					
	Shumagin (610)	0.6112	0.0098	0.003		
	Chirikof (620)	0.1427	0.0031	0.002		
	Kodiak (630)	0.2438	0.0002	0.002		
	D Season (W/C areas only)					
	October 1 - November 1					
Shumagin (610)	0.6112	0.0098	0.003			
Chirikof (620)	0.1427	0.0031	0.002			
Kodiak (630)	0.2438	0.0002	0.002			
Annual						
WYK (640)	0.3499	0	0.002			
SEO (650)	0.3499	0				
Pacific cod	A Season					
	January 1 - June 10					
	W inshore	0.1423	0.0902	0.02		
	W offshore	0.1026	0.2046	0.02		
	C inshore	0.0722	0.0383	0.044		
	C offshore	0.0721	0.2074	0.044		
	B Season					
	September 1 - December 31					
	W inshore	0.1423	0.0902	0.02		
	W offshore	0.1026	0.2046	0.02		
	C inshore	0.0722	0.0383	0.044		
	C offshore	0.0721	0.2074	0.044		
	Annual					
E inshore	0.0079	0.011	0.034			
E offshore	0.0078	0	0.034			
WYK (640)						
Flatfish deep-water	W	0	0.0035			
	C	0.067	0			
	E	0.0171	0			
Rex sole	W	0.001	0			
	C	0.0402	0			
	E	0.0153	0			
Flathead sole	W	0.0036	0.0002			
	C	0.0261	0.0004			
	E	0.0048	0			

Species	Apportions and Allocations by Area/Processor/Gear	AFA CV Sideboard Ratio	Non-AFA Crab Sideboard Ratio	Amendment 80 Sideboard Ratio	Rockfish Pilot CP Sideboard Ratio (July Only)	Rockfish Pilot CV Sideboard Ratio (July Only)
Flathead shallow-water	W	0.0156	0.0059			
	C	0.0598	0.0001			
	E	0.0126	0			
Arrowtooth flounder	W	0.0021	0.0004			
	C	0.0309	0.0001			
	E	0.002	0			
Sablefish	W	0	0			
	C	0.072	0			
	E	0.0488	0			
Pacific ocean perch	W	0.0623	0	0.994	0.611	0
	C	0.0866	0	RPP		
	E	0.0466	0			
	WYK (640)				0.76	0.029
Shortraker rockfish	W	0	0.0013			
	C	0.0237	0.0012			
	E	0.0124	0.0009			
Rougheye rockfish	W	0	0.0067			
	C	0.0237	0.0047			
	E	0.0124	0.0008			
Other rockfish	W	0.0034	0.0035			
	C	0.2065	0.0033			
	E	0	0			
Northern rockfish	W	0.0003	0.0005	1	0.789	0
	C	0.0336	0	RPP		
Pelagic shelf rockfish	W	0.0001	0.0017	0.764	0.633	0
	C	0	0	RPP		
	E	0.0067	0			
	WYK (640)				0.724	0.017
Thornyhead rockfish	W	0.0308	0.0047			
	C	0.0308	0.0066			
	E	0.0308	0.0045			
Big skate	W	0.009	0.0392			
	C	0.009	0.0159			
	E	0.009	0			
Longnose skate	W	0.009	0.0392			
	C	0.009	0.0159			
	E	0.009	0			
Other skates	GW	0.009	0.0176			
DSR	SEO	0.002	0			
Atka mackerel	GW		0			
Other species	GW		0.0176			

RPP - Indicates that species will managed under the Rockfish Pilot Program

Table 20. 2007 GOA sideboard limits by fishery and area for the different rationalization programs

Species	Apportions and Allocations by Area/Processor/Gear	Proposed 2007 TAC	Non-AFA CV Sideboard Limit	Non-AFA Crab Vessel Sideboard Limit	Amendment 80 Sideboard Limit	Rockfish Pilot CP Sideboard Limit (July Only)	Rockfish Pilot CV Sideboard Limit (July Only)
Pollock	A Season (W/C areas only)						
	January 20 - March 10						
	Shumagin (610)	4,511	2,757	44	14		
	Chirikof (620)	7,357	1,050	23	15		
	Kodiak (630)	3,320	809	1	7		
	B Season (W/C areas only)						
	March 10 - May 31						
	Shumagin (610)	4,511	2,757	44	14		
	Chirikof (620)	8,924	1,273	28	18		
	Kodiak (630)	1,753	427	0	4		
	C Season (W/C areas only)						
	August 25 - October 1						
	Shumagin (610)	7,995	4,887	78	24		
	Chirikof (620)	2,304	329	7	5		
	Kodiak (630)	4,889	1,192	1	10		
	D Season (W/C areas only)						
	October 1 - November 1						
	Shumagin (610)	7,995	4,887	78	24		
	Chirikof (620)	2,304	329	7	5		
	Kodiak (630)	4,889	1,192	1	10		
Annual							
WYK (640)	1,398	489	0	3			
SEO (650)	6,157	2,154	0				
Pacific cod	A Season						
	January 1 - June 10						
	W inshore	10,876	1,548	981	218		
	W offshore	1,208	124	247	24		
	C inshore	15,339	1,107	587	675		
	C offshore	1,704	123	353	75		
	B Season						
	September 1 - December 31						
	W inshore	7,251	1,032	654	145		
	W offshore	806	83	165	16		
	C inshore	10,226	738	392	450		
	C offshore	1,136	82	236	50		
	Annual						
	E inshore	3,346	26	37	114		
	E offshore	372	3	0	13		
		0	0				
		0	0				
Flatfish deep-water	W	420	0	1			
	C	4,163	279	0			
	E	4,124	71	0			
Rex sole	W	1,147	1	0			
	C	5,446	219	0			
	E	2,507	38	0			
Flathead sole	W	2,000	7	0			
	C	5,000	131	2			
	E	2,148	10	0			

Species	Apportions and allocations by Area/Processor/Gear	Proposed 2007 TAC	Non-AFA CV Sideboard Limit	Non-AFA Crab Vessel Sideboard Limit	Amendment 80 Sideboard Limit	Rockfish Pilot CP Sideboard Limit (July Only)	Rockfish Pilot CV Sideboard Limit (July Only)
Flathead shallow-water	W	4,500	70	27			
	C	13,000	777	1			
	E	2,472	31	0			
Arrowtooth flounder	W	8,000	17	3			
	C	30,000	927	3			
	E	5,000	10	0			
Sablefish	W	494	0	0			
	C	1,238	89	0			
	E	283	14	0			
Pacific ocean perch	W	4,244	264	0	4,219	2,593	0
	C	7,612	659	0			
	E	2,780	130	0			
	WYK (640)	1,140				866	33
Shortraker rockfish	W	153	0	0			
	C	353	8	0			
	E	337	4	0			
Rougheye rockfish	W	136	0	1			
	C	611	14	3			
	E	241	3	0			
Other rockfish	W	577	2	2			
	C	386	80	1			
	E	519	0	0			
Northern rockfish	W	1,439	0	1	1,439	1,135	0
	C	3,499	118	0			
Pelagic shelf rockfish	W	1,466	0	2	1,120	928	0
	C	3,325	0	0			
	E	751	5	0			
	WYK (640)	307				222	5
Thornyhead rockfish	W	513	16	2			
	C	989	30	7			
	E	707	22	3			
Big skate	W	695	6	27			
	C	2,250	20	36			
	E	599	5	0			
Longnose skate	W	65	1	3			
	C	1,969	18	31			
	E	861	8	0			
Other skates	GW	1,617	15	28			
DSR	SEO	410	1	0			
Atka mackerel	GW	1,500		0			
Other species	GW	4,500		79			

**TRANSCRIPT—12/11/07 8:44 to 9:15 am
North Pacific Fishery Management Council
December 5-11, 2007
Council Discussion/Action
Agenda C-3(b) GOA Sideboards (Cotten motion on non-exempt AFA CVs)**

Tape # 82

Sam Cotten: They almost got to the motion I was going to make...I move that the Council initiate an analysis for a regulatory amendment to the Gulf of Alaska non-exempt AFA CV groundfish harvest sideboards for Pacific cod and pollock. The analysis should include four options (1) status quo, (2) limit harvest to 2005-2007 catch history, (3) no sideboard limits, and (4) no harvest allowed.

Duncan Fields: Second.

Eric Olson: Moved and seconded, Mr. Cotten.

Sam Cotten: Mr. Chairman, there has been public testimony, and I know before I was on the Council I was one of the people who testified on the general issue of GOA sideboards and there's been concern about the numbers that are available to the non-exempt AFA fleet now in the Gulf, and much of the...some of the analysis has already been done in the discussion paper that was provided by staff in this package. On page 4 and 5 there is a Table 1 that shows (for example, pollock in Area 610, based on a 1995-1997 catch history) that fleet's allowed to...their limit is 61%. Last year they took less than a quarter of what they were...what was available to them. And on the cod the numbers were 14% and the catch was virtually nothing. Other parts of the Gulf had different experiences but the concern is, of course, that it could get worse. That fleet could show back up in the Gulf and in the mean time in the last 10 years, there's been another fleet that's developed, primarily small boats but not exclusively, that are perfectly capable and have demonstrated that they are certainly willing to harvest that small amount of cod...uh, excuse me, pollock. The Bering Sea really is almost like another planet; there's a community program that exists that has been very successful in the Bering Sea and there's no real community program in the Gulf at this time, there's been a lot of proposals to create some but meanwhile the community program in the Gulf of Alaska is opportunity to fish. And I believe that this analysis may shed some light on what would happen if these options were ...**[End of Tape 82...some audio lost between tapes.]**

Tape # 83

Continued Sam Cotten: That things don't happen that would take away those opportunities. We all know that as a result of the TACs we just set for the pollock in the Bering Sea, there was a major reduction, that could have an effect on people's decision as to whether to fish in the Gulf, the salmon bycatch issue could have an effect on people's decision as to whether to fish in the Gulf. Again, recent years show that there's been a lot less interest than there was backing the 90s as far as that fleet's participation in the Gulf and I think it's time to take a look at some possible changes. In terms of priority, I know that's been a concern that's been expressed here during the main motion there. I would not ask to advance this to the top of the list. It's a priority for a lot of people, but I know that there's some other, certainly sideboard issues, that are of more immediate concern and certainly deserve a quicker look than this would. This is not going to be some quick fix as some of the other proposals have been described. But again, I've discussed this with staff and I guess I don't really need to have a Purpose and Need Statement now. I'd expect that the staff could come back with a draft Purpose and Need Statement that'd extract like some of the discussion that would take place on the motion...and that's it.

Eric Olson: Comments for Mr. Cotten? Mr. Merrigan then Mr. Tweit.

Gerry Merrigan: I mean this is a fairly short motion, but I guess I have to go back to some process issues and some decisions we've previously made on this. I think the public expects us to have a consistency of approach of how we deal with issues. If I talk to 50 members of the public, I'm sure going to get 50 distinct issues that they would like to take up, and they may all be equally important. But I guess our approach is we get public testimony; we can identify problems; we get a discussion paper specific to that problem; it goes to our SSC and Advisory Panel; it gets refined into alternatives; and it comes before us and it goes through the normal process. In this case, our original action is to look at sideboard exemptions that are applying to vessels from various programs. As various fisheries got rationalized, each had a sideboard to prevent somebody from going to another fishery. And as we went through several programs, the Council had dueling sideboards and exemptions that would get so convoluted that no one could make sense of them. That's a bit different than sideboard amounts that come from a program. It's a related issue, but I think that it's distinct; you're talking about catch histories. The Council took [inaudible] made a decision I think two or three meetings ago, on LLP trawl recency where we're looking at the period of qualifying from '95 to '05. And we identified problems with determining catch history to LLPs in the 1995-2000 period. Of course that's the same time period that determines the AFA sideboards. So the AFA folks made a deal, 'Ok, if you take those years off the table, we can move forward, as long as we don't lose the permits that qualify us for the fishery,' and now it seems like we did a big switch and now we're going to be looking at the sideboard years. And I understand the issue is real but it's kind of like...we're kind of setting ourselves up I think on the process part. And I guess to me this wasn't really...though the table is in the analysis, it was related to a very much different issue, and we really did [n't] have a discussion paper of this. And then I go back to, I guess, our burden of what we have in front of us, and the last two meetings we have not...we introduced a very large issue at the October meeting that was looking at the crab program, and you might recall, I wanted to look at the crab program but a much a narrower focused viewpoint of that. And now we have the entire crab program on the table in a committee completely. And that is going to be a large requirement of a lot of people's time, staff time and our time. And I'm afraid that this is going to be the same thing, we start out here, we know we'll have another large program on the table, and we won't be getting anywhere. I guess we go through cycles of Council load of being on target and getting off target. And I would think that our load right now...I think our record shows the last two meeting we haven't completed our agenda, we've punted issues subsequent...twice now...and so I can't support this as (1) a process issue of not coming through our normal process, and (2) prioritization of our load right now in front of us, that we are overloaded...so.

Eric Olson: I think I appreciate your comments on consistency of process, you know, but consistency is something we strive for and something we don't always achieve, but I hearken back to one issue of post-delivery transfers, where one sector came to this Council, probably 6, 7, 8, maybe even 10 years ago, asking for post-delivery transfers, and always got shunned from this process and the issue didn't come up, and then that sector got that post-delivery transfers through a different mechanism. And now other sectors are coming before the Council and are bending over backwards for post-delivery transfers. So consistency is something that I'd like to see, but it's something we strive for and don't always achieve so. Mr. Tweit then Mr. Fields.

Bill Tweit: Alright, I have two questions. First off, relative to the option 4 in your motion, I'm really...I don't understand how no harvest allowed is sideboards. To me, no harvest allowed is a very different action than sideboarding, and I'm wondering if you could explain to me why you think 'no harvest allowed' is simply one option under putting sideboards on. To me it's more like a brick wall than a sideboard.

Eric Olson: Mr. Cotten.

Sam Cotten: Well, technically you could call it a sideboard or you can call it whatever you like but I believe there are come other portions of fleets that have been denied access to certain areas, and that wouldn't be the first time that's happened. This would be a full range of options. There are some people who feel that there's such an insignificant amount of cod harvested in the Gulf of Alaska by this fleet and the numbers, at least in '06, prove that, and compared to the numbers of pollock available in the Bering Sea to the Gulf of Alaska, it's I think, in recent years it's been less than 30,000 tons in the Western Gulf, for example, and a million and a half tons in the Bering Sea, so it's the level of importance. But I think technically, it would still be a sideboard. Sixty-one percent right now is the sideboard, zero would be sideboard. I think you could examine the full range of options there. Certainly, it's a matter of time and another day when a choice would have to be made, and that argument may prevail at that time. But in the mean time, I believe all options should be analyzed.

Eric Olson: Mr. Tweit then Mr. Fields.

Bill Tweit: This is probably just a result of the fact that we've handled this in such a fractured approach. So I just...the difference between option 1 and option 3, can you just walk me through what the difference is between status quo and option 3.

Sam Cotten: Mr. Chairman, quickly...status quo is and that's on again in the table in your chart there, Table 1, shows the different sideboards that exist now. Option 3 would say 'you don't need any sideboards'.

Eric Olson: r. Fields then Mr. Benson.

Duncan Fields: Thank you Mr. Chairman, very quickly...I'll be supporting the motion. I think this is an important aspect of the overall problem to review. I think even if we do LLP license limitation, there's still a window of opportunity for a certain class of vessels to become predatory with regard to the Western Gulf. I think that this is related in terms of sideboards, although I would agree with Mr. Merrigan that it's a slightly different TAC [or attack?], and so quickly Mr. Chairman, I'll be supporting the motion for the reasons I mentioned.

Eric Olson: Mr. Benson.

Dave Benson: Thank you Mr. Chairman. I would offer an amendment. That amendment would be to expand the range of years for the catch history. Specifically, add a suboption under Option 2 that would look at average harvest from 2001-2005.

Eric Olson: So is this a new option or is this a suboption, cause...are you expanding the range from 2000....

Dave Benson: I say it's a suboption under option 2.

Eric Olson: So if your suboption is selected than the range would only be 2001-2005 and not the 2005-2007?

Dave Benson: Correct.

Eric Olson: That sounds like a separate option?

Dave Benson: Ok, than a separate option.

Sam Cotten: Mr. Chairman?

Eric Olson: Well, let's just see if we got a second first and then we can speak to it. Moved and seconded as a separate option. Mr. Cotten.

Sam Cotten: I just had a clarification there. So would you leave the one option to be considered '05-'07 then a separate option '01-'05?

Eric Olson: I'll look to Mr. Benson, but that's my understanding.

Dave Benson: Yes.

Sam Cotten: Well in that case, Mr. Chairman, I support the amendment.

Eric Olson: Further comments on the amendment? Miss Lindeman, on the amendment?

Lisa Lindeman: Is this Mr. Cotten's amendment.

Eric Olson: No, this is Mr. Benson's amendment to add a new option of 2001-2005.

Lisa Lindeman: No, mine is separate.

Eric Olson: Mr. Oliver.

Chris Oliver: I'm sorry, I thought when Mr. Benson read it he said your language is average...or could you read again what your new option is?

Dave Benson: You know, I said average harvest of 2001-2005, and I guess I had a question about the original option 'limit harvest to 2005-2007 catch history' that Sam had...didn't speak to any average. I'm not sure what his intent was there, but mine would be to the average harvest of 2001-2005.

Eric Olson: Alright, on the amendment...further comments on the amendment? Seeing none, is there objection? No objection, the amendment passes. Amended main motion on the floor Miss Lindeman.

Lisa Lindeman: Mr. Chairman I just have a point to raise for purposes of the process and purposes of, well I guess, the record. And this...it looks to me like you are coming up with options...elements and options for analysis, but you haven't yet defined what your problem is. And it says in here to leave that to the staff, but...I'm talking overall. But the elements options for analysis should go from a defined problem statement. So I think the Council should consider that and consider coming up with a problem statement, which could be refined later. But we need to identify a problem before you get to coming up with options for analysis to address something.

Eric Olson: Thank you Miss Lindeman. Mr. Cotten.

Sam Cotten: I was following Mr. Merrigan's lead there where he suggested that staff would come up with a problem statement that could be refined later by the Council. And I suggested to the staff that they could extrapolate from the remarks that were made in support of the motion to come back and certainly that the Council would have to have a problem statement. I'd asked about this earlier and was told that it wasn't required that one appear in this motion. So I was relying on that advice and I agree with you that we will need a problem statement, but my understanding was that technically and legally we were not required to have one at this juncture.

Eric Olson: I'm going to go to Mr. Merrigan.

Gerry Merrigan: Thanks Mr. Chairman. In response, I passed out a motion previously, it's three pages, it says you passed several statements involving developing a Purpose and Need Statement and I gave staff considerably guidance specifically on what that purpose and need statement is. And I said on the Purpose and Need Statement, specific, the Council will develop a problem statement. We have to have a Purpose and Need Statement. It's our option to develop a problem statement. But I gave considerable guidance here, and I guess, I would go back on process to this. And this to me is a process issue. We had the issue we have in front of us, right now, this agenda item, it is exemptions to vessels and sideboard. Specifically, licenses and who is constrained and this and that. This is a separate topic here. It's related to sideboards, it's about sideboard aggregate amounts of harvests for an entire group of boats in the aggregate...so you have vessels, and a total catch thing...that's pretty different. We did not have extensive public testimony on that; we had public testimony from like two people, one of...I don't want to get into that but, we did not have this come from the Advisory Panel. We did not have a discussion paper of this specific aspect that this is focusing on. We had a table that's related to it under an exemption from AFA that involves this threshold of individual fishermen's licenses that cannot lease their pollock and have to fish it...that's where that table comes from...it's not specific to this issue; we do not have developed discussion paper. And I guess, on process, I see this public process as bottom up. Where the public brings us problems and we try to figure out if it really is a problem and we develop some things for it, and not top down...where we tell the public what's going on. We need to provide leadership, but I think the input comes from this plate to us and filter as best as we can. I think this is not a consistent approach and again we are also considerably behind and we keeping adding on more issues, and everybody's issue is more important. And I guess to quote Mr. Bundy earlier in the meeting when we had our discussion of length of meetings. I guess each of us feels this would go a lot faster if everybody would just agree with them.

Eric Olson: Thank you Mr. Merrigan. I'm going to go to Mr. Benson and then Mr. Tweit, sorry.

Dave Benson: I agree with Mr. Merrigan's comments and Ms. Lindeman's concerns about no problem statement. When you look at the table on page 4, and unfortunately we only have one year to look at, 2006, as Mr. Cotten pointed out, maybe a quarter or a third of the actual sideboard amount allowed was harvested. 4,400 tons and there was 13,200 available. That begs what is the problem, that they're not harvesting their full sideboard amount? And then when you consider parity, we're looking at an action that would allow both exempt vessels to fish...to lease their B season pollock when, if you were looking for parity, you would say well they would lose that history as well. So I really can't support the motion.

Eric Olson: Mr. Tweit, Mr. Fields, then I'm going to look to Mr. Cotten.

Bill Tweit: Thank you Mr. Chair. The Council's concern sort of speaks directly to an issue that I'm having with this and that is without a problem statement in front of us, I can't determine whether option 4 sort of fits or not. I view option 4 as a reallocation. I don't view option 4 as sideboarding; option 4 is a flat-out reallocation between sectors, in my judgment. But again, without a problem statement, I don't know whether that's relative or germane to this or whether we should indeed be treating this as outside. I think when we do get legal concerns suggested by the Council, I think we need to take those pretty seriously. Most of the rest of us aren't practicing lawyers in this law; and I do think we need to take those. And as I say, it sure speaks pretty directly to one of my major concerns, I think this thing needs a lot more work. But in part because I think we've got to put down exactly what the problem is and agree, as a Council, what the problem is that we're addressing before we initiate a set of option for how we would deal with that. Consequently, instead of trying to make further amendments to the motion, I'd prefer to just vote on whether or not it's appropriate at this point, and it's clear at this point that I'd be opposed because I don't know what problem I'm initiating an analysis to address.

Eric Olson: Mr. Fields, then Mr. Cotten then Miss Salveson.

Duncan Fields: Thank you Mr. Chair. I'm going to look to counsel, it seemed as though your statements may have been as relevant to the main motion that was already passed, with regard not a clear problem statement, as well as to Mr. Cotten's motion. Perhaps you could clarify your concerns with exactly what we're talking about.

Lisa Lindeman: Mr. Chairman.

Eric Olson: Miss Lindeman

Lisa Lindeman: And I guess I was obviously late in bringing it up, but I had those same concerns with the main motion. Maybe from the discussions on the record, maybe the Council could take a few minutes and articulate Z problems which could be refined by staff, as has been done in the past, but...

Eric Olson: And if that is done, that will satisfy your concern similar to the discussion that was had in the previous motion?

Lisa Lindeman: Yes Mr. Chair.

Eric Olson: Alright, thank you. Mr. Cotten...unless you weren't done, did you have any more Miss Lindeman?

Lisa Lindeman: Mr. Chairman, one point, and again, maybe this is at the wrong time, but I just wanted to clarify for the record and for the Council that in ultimately building a record for changing the Gulf AFA catcher vessel sideboards that under the AFA, you know, that's permitted, ok...and under the AFA those are caps, you know, so it can...legally, could go from zero to whatever. No harvest up to the catch history, but in building the record under 213(c) which allows you to supercede the 211(c) sideboards...for the record, and I don't mean here, but as you work through this...I'll just read this:

"That the changes to Sideboards. The record has to show that it's for conservation purposes, or to mitigate adverse effects in fisheries, or on owners of fewer than three vessels in the directed pollock fishery caused by the AFA or fish coops in the directed pollock fishery, provided such measures take into account all factors affecting the fisheries and are imposed fairly and equitably to the extent practicable among and within the sectors in the directed pollock fishery." But this is one where you have to show a little bit more than normal, but you don't need to do it here. You can do it in the analysis and you can do it for the record later. But I just wanted to point it out that you are superceding a section of the AFA but you are allowed to do it.

Eric Olson: Mr. Fields, Mr. Cotten, Miss Salveson, and Mr. Merrigan

Duncan Fields: Thank you Mr. Chair. I think that does clarify that it's an issue for both the motion passed and the motion before us. But I felt like Mr. Cotten did articulate the problem. And I understood that the problem was that with the changes in the BSAI fishery, it dissipated. That vessels that were AFA non-exempt CVs could be displaced and their pattern over the last year had shown reduced economic dependence on Western Gulf of Alaska fisheries. And consequently, with their displacement, they were going to have a negative or adverse effect on those vessels that had developed independence and had fully utilized those fisheries, Mr. Chairman. So I understood that a problem statement was fairly well articulated in Mr. Cotten's comments and as such, I think this is an appropriate motion and move forward.

Eric Olson: Alright Mr. Cotten.

Sam Cotten: Ready to vote, Mr. Chair.

Eric Olson: Miss Salveson, did you still want to get in?

Sue Salveson: I'll pass Mr. Chair.

Eric Olson: Mr. Merrigan's going to get the final word.

Gerry Merrigan: I think comparing the previous motion that I passed on this, I guess I find a lot of large distinctions. We had, from September, a very lengthy discussion paper on Gulf of Alaska sideboard issues. We did get to it at October meeting, the AP took actions; they gave us a lot of input on this, but we had a full blown discussion on this issue, and we...I can't remember when we started on this issue it's been so far long down the path, and our 2 years in the public process already. We had another discussion paper updated with the AP actions at this meeting. You know, and it's got...I think our problem is...and then also I see, you got our testimony and you've got some people that are really struggling with this crab rationalization sideboards that are preventing them from fishing in this fishery right now. You know...they're ha...when these sideboard's kicked in and when it goes up the spring of this year or 06 the previous year. Anyway, it's immediate effects. So, I want to move that along, and we've got two discussion papers and we could come back to the problem statement, but I think we all agree that this crab sideboard issue has had some undue effects on people. So we're trying to move it along, we've got considerable public testimony that helps guide our Purposes and Needs Statement. And I think I explicitly gave quite a few...pretty much wrote a Problem Statement but in the interest of trying to just move this forward and not have a wordsmithing exercise, just kind of outline the principles of the purpose and needs statement here. So that's the evolution of this one: we've got an acute problem, extensive public record, two discussion papers leading into it. Now we have in 50 words or less, we're going to initiate a regulatory amendment package, and I appreciate brevity, but I also think there's public process. And I don't really see the evolution paralleling these two issues having the same public record, the same discussion papers. You don't have a discussion paper specific to this issue at all. This issue is not even...it's not even the same issue that we have on this agenda item, in terms of vessel, sideboard exemptions. So, when the people make the parallels between the two issues, I guess I'm going to take a little exception, because I think I put a little bit of work into this, and I think the Council...you know, we should have dropped it off of our last meeting as part of the reason why maybe we're not as far along on this pressing issue as possible because we get behind on our agenda. And I think this specific discussion is part of the problems of bringing out things at the last minute, flopping out, I have a problem 50 words or less type issues without a public record to support it, makes debate and lengthens our meetings. So, I know I've been redundant on this, but I think the comparisons to the previous action are not the same and also would note that the public has gone with the pond with other fishery advisory boards same kind of thing, putting things out that did not come from the public process, and I think that's become an issue: what is our process about, and I'm going to vote against this, not so much more the merits of this issue but how do we consistently address problems and how do we use our public process.

Eric Olson: Are we ready to vote? Do you have a comment, Mr. Dersham? I'm getting a subtle feeling that there's not going to be unanimity on this so we'll do a roll call vote, Mr. Oliver.

Ed Rasmuson: Wait, wait, wait

Eric Olson: Oh I'm sorry, Mr. Rasmuson.

Ed Rasmuson: I understand what Gerry's getting at and I'm troubled with this because, you know, as I see it, we're trying to keep the boats out of the Shumagins, we're trying to keep the boats you know from san...you know...help the Alaskan's there and what have you...and I understand all that, and as an

Alaskan, I appreciate that; let's call a spade a spade, that's what it is. And I understand the due process what Gerry's talking about. And it seems to me that you go ahead and approve this, you're just going to go into further analysis and it'll be at further discussion then the next meeting and the following meeting and the following meeting and how are we going to protect these communities or not or how much are we going to protect these communities. And that's what all the sideboard issues are, cut it all out, you know. So I'm troubled with...I know what we want to do, or what we're trying to do, and it seems to be that can be fleshed out...should be fleshed out in Gerry's particular amendment...you know...that's what I'm looking at.

Gerry Merrigan: Just clarification Mr. Chairman?

Eric Olson: Mr. Merrigan.

Gerry Merrigan: Just very short, we are initiating a regulatory amendment package, we are not initiating a discussion paper, we are...we've gone like from starting gate to the finish line without anything in between.

Eric Olson: Mr. Oliver, ready for the vote.

Chris Oliver: Welcome...

Mr. Derhsam	Yes
Mr. Merrigan	No
Mr. Rasmuson	Yes
Ms. Salveson	Yes
Mr. Benson	No
Mr. Bundy	No
Mr. Cotten	Yes
Mr. Fields	Yes
Mr. Hyder	No
Mr. Tweit	No
Mr. Olson	Yes

It passes, 6 to 5.

Eric Olson: Is there any other action to come before us on this agenda item. Alright, we are going to move on to C-3(c) Trip Limits and that will be Mr. Richardson.