

Work Plan for the 2023 Amendment 80 Program Review *October 2022*

1.1 Introduction

The current iteration of the Amendment 80 Program (AM80 Program) has been in place since the 2008 fishing year. Section 303A(c)(1)(G) of the Magnuson-Stevens Fishery Conservation Act states that all Limited Access Privilege Programs (LAPP) must include provisions for regular monitoring and review. A formal and detailed review must occur 5 years after implementation of the LAPP (completed in October 2014 and is provided here as reference <https://fisheries.noaa.gov/resource/document/five-year-review-effects-amendment-80>) and 7 years thereafter. In addition, the Council is also required to conduct an AM80 Program allocation review based on NMFS Fisheries Allocation Policy Directive that was published in July 2016. Allocation reviews are intended to be a brief periodic review of the allocation to ensure that the optimal yield is being achieved under current conditions. Guidance for information that should be included in an allocation review is provided here as reference ([Procedural Directive 01-119-02](#)). To that end, **this paper is provided as a work plan for the 7-year program review and the allocation review to solicit input from stakeholders, including the Council and its advisory bodies, on issues that should be included as part of the review.**

This work plan includes a summary of the program goals and objectives, data that will be used to examine those program goals, and a draft outline of the program review and the allocation review.

1.2 AM80 Program Goals and Objectives

The AM80 Program was implemented in 2008. As required by the MSA, a 5-year review of the AM80 Program was completed in 2014 which provided invaluable information on the implementation of the program and whether the program was meeting the Council's goals. Of the Council's goals noted in the AM80 problem statement, the overarching goal is to maintain a healthy marine ecosystem to ensure the long-term conservation and abundance of the groundfish and crab resources. To accomplish this goal, the problem statement goes on to state that the Council is committed to reducing bycatch, minimizing waste, and improving utilization of fish resources to the extent practicable, in order to provide maximum benefit to present generations of fishermen, associated fishing industry sectors to include the CDQ sector, communities, and the nation as a whole, while at the same time, continuing to look for ways to further rationalize the fisheries.

Since the 5-year review in 2014, the AM80 Program has moved beyond the implementation phase and is now a fully mature rationalized fishery that has been operating for nearly 15 years. Recognizing the opportunities for innovation afforded to rationalized fisheries in the management of Nation's fisheries, the MSA requires Councils to continue monitoring and reporting every 7-years, to assess whether the rationalized fishery is continuing to meet the intended goals of the program. Recognizing the AM80 Program has been operational and stable for nearly 15 years, this 7-year program review of the AM80 Program will assess whether the program is continuing to meet the Council original goals and, if not, highlight those program areas that appear to diverge from those goals. As such, below is a summary of AM80 goals and how these goals will be addressed in the review.

- **To maintain a healthy marine ecosystem to ensure the long-term conservation and abundance of the groundfish, halibut, and crab resources** – as shown in the 5-year review, the near elimination of the race for fish in the AM80 fisheries has led to an environment of gear innovation and changes in fishing behavior that works adaptively to respond to market and management needs for maintaining a healthy marine ecosystem. The elimination of the race for fish has provided greater flexibility on when and where to fish, which has allowed the AM80 sector to reduce its impact on the marine ecosystem through changes in fishing patterns that maximize harvest of allocations while reducing bycatch mortality of prohibited species, minimize marine mammal interaction, reduce impacts on habitat, and reduce or eliminate localized depletion of allocated species by dispersing the fisheries in space and time. In evaluating the AM80 Program to determine if the program is continuing the goal of maintaining a healthy marine ecosystem, the 7-year review will include metrics that show halibut and crab PSC trends over time, results from the EFH 5-year review fishing effects analysis for the AM80 species, and a qualitative discussion of the sector’s continuing gear and fishing innovations (Section 4 of the proposed table of contents).
- **To reduce bycatch (non-groundfish)** – since the 2014 AM80 Program review, the halibut PSC limit for the sector has been further reduced and management of halibut PSC limit for the sector will be additionally modified to an abundance-based limit in the near future. The 7-year program review will provide a summary of PSC compared to limit thresholds in addition to summarizing continued gear innovations and changes in fishing behavior as the sector adapts to new halibut PSC management and limits. The 7-year program review will also summarize trends in crab PSC for the AM80 sector and any gear innovations or changes in fishing behavior that reduce crab PSC (Section 7 of the proposed table of contents).
- **Minimize waste and improve utilization to the extent practical** – improving retention and utilization of the flatfish species was a primary driver of the AM80 Program. As noted in the 5-year program review, multispecies cooperatives lead to greater retention and utilization of the flatfish species. The 7-year review will include information on the sector’s groundfish retention and utilization over time (Section 6 of the proposed table of contents).
- **To provide maximum benefit to present generations of fishermen, communities, CDQ groups, and the nation as a whole** – the 7-year program review will document incomes and employment for vessel owners and crew members, income and employment for community members in related industries, CDQ groups success in harvesting AM80 species, and tax revenues to local and state government (Section 8 of the proposed table of contents).
- **To minimize negative impacts on other fisheries** – the AM80 Program included provisions that limit, via sideboards, the activities of AM80 vessels in the Gulf of Alaska. The 7-year review will include a summary of AM80 vessel activities in the GOA relative to their sideboards (Section 5.5 of the proposed table of contents). The review will also include a summary of harvests by the AM80 sector in other groundfish fisheries which include arrowtooth flounder, Kamchatka flounder, Greenland turbot, and BS Pacific ocean perch.

In addition to evaluating applicable AM80 Program goals, it is also reasonable to include an evaluation of applicable MSA program review requirements. The following two additional issues will be addressed in the 7-year program review.

- **Capacity Reductions:** Section 303A(c)(1)(B) addresses the issue of a LAPP’s role in reducing excess capacity. The program review will provide an assessment of capacity measures. Capacity measures will include summaries of the number of vessels operating in AM80 fisheries as well as measures of capacity utilization such as number of actual operating weeks as a percentage of potential operating weeks. The program review will also assess consolidation of the AM80 sector. The review will examine the effects of consolidation on vessels and operations that remain in the

AM80 fishery and on vessels and operations that are no longer participating (Section 2 of the proposed table of contents).

- **Fishing Safety:** Section 303A(c)(1)(C) addresses the issue of a LAPP’s role in improving fishing safety. While measures of fishing safety are not part of NMFS primary data collection process, it may be possible to assess changes in fishing safety using incident report data from the U.S. Coast Guard and NIOSH (Section 3 of the proposed table of contents).

1.3 Methods

NMFS has utilized experts within the agency¹ to develop an initial set of standard performance indicators that measure the economic performance of catch share programs, regardless of their design (Brinson & Thunberg, 2013). Standard performance measures identified in that report included catch and landings, effort, revenue, accumulation limits, and cost recovery. Other LAPP reviews conducted by the NPFMC² also provide examples of issues that should be covered in a review. This review will include standard performance measures and performance measures that are specific to the AM80 Program, using available data. Qualitative and quantitative information will be presented based on cooperative reports and information reported for other issues³. Readily available information will be supplemented, when necessary, by discussions with key informants.

1.4 Data

This section focuses on the data that are proposed to be used to conduct the program review. Formal surveys are not expected to be utilized to collect additional data. The program review does not include an Office of Management and Budget (OMB) time budget, as required by the Paperwork Reduction Act (PRA). The PRA must be complied with regardless of the origin or reason for the data collection. OMB approval must be obtained prior to collecting information where there are 10 or more respondents, and the questions are standardized. While this type of data collection is not being considered for this effort, the analysts do anticipate having voluntary discussions with some knowledgeable stakeholders to acquire information to bolster the qualitative discussion of AM80 Program impacts.

Based on the structure of previous LAPP reviews and the measures of LAPP performance identified by NMFS, necessary data that is available will be summarized and provided to the analysts by AKFIN staff. Data not available to AKFIN will be provided by the agency that is responsible for the collection and management of that information. Data anticipated to be used in this review includes the following:

- 1) RAM data
 - a) LLP licenses (license number, ownership information, endorsements)
 - b) Permits (quota allocations assigned to LLP licenses)
 - c) Cooperatives
 - d) Cooperative Quota Transfers (quantity information is available but not value)
 - e) LLP Transfers (value information is collected but will not be used since past analyses have indicated that those data will not provide insights into the value of the attached AM80 quota)
 - f) Sideboard Limits
- 2) Catch Accounting System (CAS) data by catcher/processor (CP) and LLP license – aggregated as required to meet confidentiality standards (2014-2023)

¹ Fishery economists, anthropologists, policy analysts, and resource managers

² Rockfish Pilot Program Review, Amendment 80 Program Review, American Fisheries Act Review, Central GOA of Rockfish Program Review, BSAI Crab Rationalization, and Halibut and Sablefish IFQ Program Review.

³ Community impact papers funded by BSAI communities and community impact studies of catch share programs by NOAA staff as well as academic and private sector researchers.

- a) Catch (location, time-period, species, and amount)
 - b) Discards (amount and rate)
 - c) PSC - also incorporates observer data (halibut mortality {metric tons and rates}).
 - d) Production (amounts, products produced, and utilization rates)
- 3) AKFIN summary of COAR and fish ticket data
 - a) First Wholesale price and value
 - 4) NMFS data on recoverable fees, cost recovery fee amounts, and cost recovery fee compliance.
 - 5) Amendment 80 EDRs will be used (2014-2023). These data will primarily be used for harvesting and processing crew for CPs that operate in the AM80 Program.
 - 6) OLE will be asked to provide information on changes in enforcement and any infractions that have occurred under the AM80 Program.
 - 7) Safety data will be provided and summarized by National Institute for Occupational Safety and Health (NIOSH). NIOSH staff have been instrumental in generating the safety sections of other program reviews conducted by the NPFMC.

1.5 Proposed Table of Contents

1.0 Introduction

The introduction, as envisioned, would summarize the requirements to prepare the program review and then step through the goals and objectives of Amendment 80 and the MSA to develop the set of issues that are included in the review.

The introduction would also include a roadmap showing the organization of the remainder of the program review. The order of items discussed in the review will be hierarchical in nature. For example, the review will examine rationalization and the elimination of the race for fish. Rationalization has implications for discussions in later sections on fishing safety, and the goal to maintain a healthy ecosystem.

2.0 Rationalization and Elimination of the Race for Fish

This section of the program review will focus on the rationalization impacts of the AM80. In general, AM80 has led to the rationalization and the elimination of the race-for-fish in fisheries for which AM80 vessels have an exclusive allocation.

2.1 Rationalization and Consolidation Effects in the AM80 Sector

In this section, the program review will summarize the rationalization and consolidation effects.

2.1.1 Numbers of Vessels and Owners Participating in the AM80 Fisheries

In this section, the review will summarize the number of Non-AFA Trawl CPs participating in the AM80 fisheries from 2003 – 2023. The review will also track vessel replacement and consolidation of operations.

2.1.2 Capacity and Utilization of Capacity

In this section, the review will assess the capacity and utilization of AM80 vessels. The focus here will be on the potential capacity to harvest and process fishery resources compared to the actual utilization of that capacity. While there are many potential ways to measure capacity and utilization, the quantitative assessment in the review proposes to focus on the number of weeks that AM80 vessels reported harvests during the year.

2.1.3 Excess Capacity

In this section, the review will examine the question of excess capacity from the regulatory perspective. The Council's AM80 motion and implementing regulations at § 679.92(a) state that a

single person may not individually or collectively hold or use more than 30 percent of the AM80 Quota Shares (QS) units initially assigned to the AM80 sector. Persons that were initially allocated more than the QS use cap limit are grandfathered in and need not sell their excess QS. Similarly, there is an ITAC use cap that limits a single vessel from harvesting more than 20 percent of the combined ITACs of the AM80 groundfish species in a given year.

The program review will examine initial allocations of AM80 QS to persons as well as the QS ownership amounts reported at the beginning of the year. These data are available from NMFS at <https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/bering-sea-and-aleutian-islands-amendment-80-groundfish-trawl-fishery>. The review will also examine the question of whether any individual vessel has reached the 20-percent ITAC use cap using CAS data. However, because of disclosure rules it is unlikely that the review will be able to report actual amounts that have been attained, instead the assessment will be qualitative in nature.

2.1.4 Other Impacts of Rationalization

Potential areas of interest in this section include changes in harvesting strategies of vessels and cooperatives as well as the decision processes utilized to determine harvest strategies. For example, how the sector addressed changes in international tariffs, operational and market impacts from COVID, and increasing inflation.

3.0 Safety in AM80 Fisheries

The program review will examine the question of fishing vessel safety. The U.S. Coast Guard maintains the Online Incident Investigation Report that provides information regarding maritime incidents investigated by the U.S. Coast Guard under Part D of Title 46 of the U.S. Code. These published reports are limited to reportable marine casualties, as defined in Section 4.05 of Title 46 of the Code of Federal Regulations, that were closed after October 2002. It is believed that the program review can provide a review of incidents from these data that are related to AM80 fisheries. In addition, the review will utilize interviews with owners and operators of AM80 vessels to generate a qualitative assessment of changes in fishing vessel safety that may have occurred under AM80.

4.0 Maintain a Healthy Marine Ecosystem

This section will discuss gear changes and experimental research into bycatch (non-groundfish) reductions, including deck sorting, that have been facilitated by the reduction and elimination of the race for fish following implementation of AM80. In addition, results from the EFH 5-year review fishing effects analysis for the AM80 species will be included in this section.

5.0 Attainment of the Optimum Yield and the Ability to Account for Variations and Contingencies

This section will examine the AM80 fisheries through the lens of National Standard 1 that requires FMPs to achieve optimum yield of fishery resources; and National Standard 6 that requires FMPs to account for variations and contingencies in the use of fishery resources. Information will be developed to compare total harvests by species to the ABC, TAC, and to each sector apportionment.

5.1 Yellowfin Sole Apportionments and Harvests

The section would summarize AM80 of yellowfin sole, consistent with current guidance on the disclosure of CAS data. The section would also include a summary of any rollovers of yellowfin sole from the BSAI TLA sector to the AM80 sector.

5.2 Harvests of Other Allocated AM80 Species

This section would summarize AM80 sector of Atka mackerel, Pacific ocean perch, flathead sole, and rock sole. Total harvests would be compared to ABCs, TACs, while AM80 sector harvests would be compared to the ITACs. The section would also include a summary of rollovers if any have occurred.

5.3 Pacific Cod Apportionments

This section would summarize Pacific cod harvests by the AM80 sector. Attainment percentages would be calculated, and the section would include a summary of rollovers. It should be noted that Amendment 85 to the BSAI FMP altered that allocation percentages of Pacific cod to the various sectors,⁴ and included a specific allocation to the AM80 sector. Some of the changes in harvest amounts of Pacific cod after 2007 can be attributed to Amendment 85, but AM80 has also had impacts.

5.4 Other Non-Allocated Groundfish Species

This section would summarize harvests by the AM80 sector in other groundfish fisheries which include arrowtooth flounder, Kamchatka flounder, Greenland turbot, and BS Pacific ocean perch. The section would also include a summary of mothership activity in BSAI TLAS fisheries.

5.5 Sideboards on Expansion in the Gulf of Alaska

This section will summarize harvests of the AM80 vessels in the Gulf of Alaska (GOA) using CAS data. The section will also discuss the intersection of AM80 Program and CGOA Rockfish Program sideboards that has resulted in the potential for non-CGOA Rockfish Program qualified CPs to participate in the WYAK rockfish fishery.

5.6 A Summary of the Flatfish Flexibility

The flatfish flexibility was approved by the Council in June of 2012 with an effective date of October 23, 2014. The amendment addressed concerns that the BS flatfish fisheries were consistently under-harvested due to various economic, regulatory, and environmental constraints. Under the MSA and the BSAI Groundfish FMP there is a need to promote conservation while providing for the optimum yield for the BSAI groundfish fishery. This amendment identified a flexible approach that creates additional harvest opportunities to maximize the harvest of the TACs for three target flatfish species but still ensure that harvest remains within existing conservation thresholds. The flatfish species include rock sole, yellowfin sole, and flathead. The program review will provide a qualitative summary of this amendment.

6.0 Retention and Utilization of Harvested Resources

This section of the program review will summarize total, retained, and discarded catch in the AM80 target fisheries by year. The review will include data on incidental catches of other groundfish with the AM80 target fisheries. The review will also summarize the production by product type and first wholesale values as a means measuring the utilization of harvested resources. The overall value generated per ton of groundfish harvest by fishery (and over all fisheries) will provide measures of the “efficient use of fishery resources” relative to National Standard 5.

6.1 Groundfish Retention Standards

The program review will include summaries of groundfish retention as measured by the formula used to assess attainment of GRS requirements. These data are reported in the Annual AM80 Cooperative Reports that are voluntarily provided to the Council.

7.0 Bycatch of halibut and crab in the AM80

This section of the AM80 program review will summarize PSC of halibut and crab in the AM80 fisheries and other non-AM80 fisheries. It is anticipated that at a minimum total PSC, and PSC rates as a percentage of target catches will be reported for each target fishery. For crab, total PSC and rates will be

⁴ Amendment 85 was approved by the Council at its April 2006 meeting. The Final Rule implementing the Amendment was published on September 4, 2007.

reported in the various crab bycatch management zone. The review will also include a summary of PSC limits, rollovers of PSC limits, and overall usage of PSC limits.

8.0 Benefits Generated by the AM80 Fishery

This section summarized measures of benefits generated by the AM80 fisheries to include incomes and employment to vessel owners, crew members, income and employment to community members in related industries, and tax revenues to local and state government.

9.0 Allocation Review of AM80

In addition to the MSA required AM80 review, the Council is also required to conduct an AM80 allocation review. Based on National Marine Fisheries Service (NMFS) issued Fisheries Allocation Policy Directive in July of 2016, the Council will conduct a review of allocations, to include AM80 allocations, to ensure that the OY is being achieved under current conditions. The Council specified that the AM80 allocation review will be conducted in conjunction with the AM80 Program review. The goal of this allocation review is designed to assist the Council in determining whether or not the development and evaluation of AM80 allocation alternatives are warranted. To accomplish the AM80 allocation review evaluation, the allocation review will utilize a series of dashboards created by Council staff and AKFIN staff that will provide an overview of the BSAI AM80 fisheries from 2008 through 2023. The dashboards could include: 1) AM80 allocations, total catch of AM80 species (including incidental catch), and total catch as a percent of the initial allocation, 2) AM80 first wholesale gross revenue for each AM80 species and total first wholesale gross revenue for all AM80 species combined, 3) halibut and crab PSC mortality in the AM80 fisheries, and 4) could show community information like number of port calls and vessel ownership by address. Finally, the allocation review will include a summary table of AM80 and groundfish FMP objectives and a summary of information addressing the AM80 and groundfish FMP objectives.

10.0 Summary of AM80 Program and Allocation review

The final section will provide a summary of both the MSA required AM80 Program review and the NMFS Fisheries Allocation Policy Directive review for the AM80 Program.