AGENDA C-3
DECEMBER 2003

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Chris Oliver
Executive Director

ESTIMATED TIME
6 HOURS

DATE: November 24, 2003

SUBJECT: IR/IU and related amendments

ACTION REQUIRED

(a) Receive report from NMFS on Amendment 79

(b) Receive Committee report

(c) Finalize alternatives for Amendment 80a and 80b

BACKGROUND

Amendment 79

In June 2003, the Council completed final action on Amendment 79, which establishes an overall minimum groundfish retention standard for non-AFA trawl catcher/processors greater than 125' starting in 2005. At the same time, the Council took final action on a separate regulatory amendment for adjusting the time period in which the Maximum Retainable Allowances (MRA) for pollock is enforced. The Council also requested the IR/IU Technical Committee to review several issues concerning the implementation of Amendment 79. During the subsequent Committee report to the Council at the October 2003 meeting, some questions were raised concerning the implementation timing of the amendment. To assist in addressing these questions, the Council requested NMFS to provide a report on the implementation status of Amendment 79 in time for the December 2003 meeting. A copy of a NMFS letter addressing this issue is attached as Item C-3(a).

Amendment 80

In April the Council reviewed a discussion paper and decision tree for proposed Amendment 80, that would develop a cooperative structure for the Non-AFA Trawl CP sector. At the April meeting, Amendment 80 was expanded to include allocation alternatives for dividing BSAI groundfish and PSC species among all BSAI fishing sectors. Since June, the Council has continued to refine the components and options for Amendment 80a (sector allocations) and 80b (cooperative structure for Non-AFA Trawl CP sector) for the purpose of analysis. Currently, Amendment 80 is scheduled for initial review in April 2004 and final action in June 2004.

At the October meeting, the Council requested the IR/IU Technical Committee to review the revised components and options and make recommendations to the Council in time for the December 2003 meeting.

The IR/IU Committee meet in Seattle on the 18th and 19th of November to review these components and options. The minutes from the meeting are attached as Item C-3(b). Also included with the minutes are the revised components and options for Amendment 80a and 80b (Appendix A) based on the recommendations of Committee; data tables that separate out Pacific cod catch history between the Bering Sea and Aleutian Islands from 1995 to 2002 by gear and sector (Appendix B); a discussion paper prepared by staff on underutilized and unallocated species (Appendix C); and sector descriptions for Amendment 80a (Appendix D).

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

AGENDA C-3(a)
DECEMBER 2003

November 26, 2003

Ms. Stephanie Madsen, Chair
North Pacific Fishery Management Council
605 W. Fourth Avenue, Suite 306
Anchorage, Alaska 99501

Dear Madam Chair,

In October 2003, you requested a status report on approval issues relevant to Amendment 79 based on the preliminary analysis provided in the Environmental Assessment/ Regulatory Impact Review/ Initial Regulatory Flexibility Analysis, for Amendment 79 to the Fishery Management Plan for Groundfish in the Bering Sea and Aleutian Islands, Minimum Groundfish Retention Standard (IR/IU Trailing Amendment C), Draft for Review by NOAA Fisheries (preliminary EA/RIR/IRFA). You requested that NOAA Fisheries identify any significant problems with the current analysis for Amendment 79 that may influence the agency's approval of the Council's preferred alternative. You also expressed interest in an assessment of the adequacy of the record presented in the analysis for justifying the benefits and costs of the proposed action in the context of National Standard 9. Our assessment is limited to the draft analysis we received from the Council staff on November 14, 2003, and addresses only National Standard 9 concerns. We have identified three principal analytical issues that, if addressed, could substantially enhance the adequacy of the document with respect to conformance with National Standard 9.

When Amendment 79 is considered for approval by the Agency, all relevant data in the record will be considered. This will, for example, include any public comments on the amendment or proposed rule, and associated response of the agency to those comments. Agency review also may consider other relevant information that has been introduced into the record, that is not available at this time. We also understand that the November 14, 2003, draft analysis likely will be revised before and after the Council staff formally submits it for Secretarial Review.

Our initial review of the Groundfish Retention Standard (GRS) analysis is focused on its conformance with NOAA regulatory guidelines for evaluating bycatch actions in National Standard 9 at 50 CFR §600.350 (see attached). Some comments also have implications for more general conformance with other elements of the Magnuson Stevens Fishery Conservation and Management Act that should be considered in a proposed rule.

We have identified three principal analytical issues that need further clarification or assessment in this draft.

1. The Amendment 79 problem statement presented in 1.1.1 and 4.1.1 expresses a need for Council action to increase retention of BSAI groundfish on the basis that present discard rates are too high and "unacceptable." The analysis does not explain how the present discard rates were determined to be too high, or what level of discards would be considered to be acceptable. Section 4.3 in the preliminary EA/RIR/IRFA contrasts discard rates of various BSAI sectors. These data could provide one source of information for inferring the acceptability of present discard levels. However, a discussion of how these data relate to unacceptability high bycatch rates is not provided. These differences are not highlighted in the executive summary or in the analysis of the alternatives so that a reader could understand why discard rates under the status quo are too high, or how the preferred alternative will rectify "unacceptable" levels of discards.

2. No data or information are presented in the analysis on which to develop an explanation of why Subalternative 2.3 is selected as the preferred alternative over Alternative 2.1. Specifically, Alternative 2.3 raises aggregate retention of groundfish to 80.6 %. Alternative 2.1 raises aggregate retention of groundfish to 79%. The costs displayed for Alternative 2.3, however are identified as being higher than alternative 2.1 while the gain in potential retention is only 1.6% in the preferred alternative. Any additional distinctions between these alternatives that are not contained currently in the analysis but that would present additional countervailing benefits of the preferred alternative need to be displayed so that the reader is able to determine why the preferred alternative is the superior alternative policy.

3. Section 4.5.2.1 Additional Guidance for Determining Benefits and Costs states: "There is no qualitative information available on how harvest and discard practices in the BSAI groundfish fisheries may impact non-consumptive or non-use resource values, and no data on the preferences of U.S. citizens who may have an interest in changing BSAI discard practices." This statement, by itself, is in conflict with the Council's problem statement concluding that there is "the perception by the U.S. public that discards in the BSAI are at unacceptable levels." A review of the informational sources the Council used to develop its conclusion on public perception or an explanation of why the analysis concludes that no data are available on U.S. preferences on discards may help clarify these inconsistent statements.

Considering the status of the preliminary EA/RIR/IRFA on Amendment 79, we cannot fully answer the Council's question of whether the analysis will be sufficient to support the approval of the Amendment. The present analysis could be greatly improved if it addressed all of the concerns cited above. General Counsel and NMFS staff will continue to review subsequent

revisions of the analysis and are willing to assist Council staff to address any additional comments or issues raised. We also will provide technical and/or editorial suggestions for improvement. We appreciate the staff work to date in revising the analysis since the May 2003 version, and the cooperative spirit among staff to improve the document.

Sincerely,

Gerald J. Berg

For James W. Balsiger
Administrator, Alaska Region

Appendix

Regulatory Guidance provided on National Standard 9, included in the preliminary draft of the EA/RIR/IRFA for Amendment 79 to the Fishery Management Plan for Groundfish in the Bering Sea and Aleutian Islands, Minimum Groundfish Retention Standard, November 2003

As required in Section 304 (a) of the MSFCMA, when the Council transmits an FMP plan amendment to the Secretary, the Secretary must "immediately commence a review of the plan or amendment to determine whether it is consistent with the national standards". While consideration of each National Standard is important in an FMP amendment, National Standard 9 is highly pertinent to the review of the Council's question because it advances both the need for further bycatch reduction and the need for the measures to be "practicable". Regulatory guidelines on National Standard 9 published in the Federal Register, provide several criteria to be considered when framing "practicable" bycatch reduction alternatives.

Regulatory guidance at 50 CFR §600.350 states:

> (4) Minimizing bycatch and bycatch mortality. The priority under this standard is first to avoid catching bycatch species where practicable. Fish that are bycatch and cannot be avoided must, to the extent practicable, be returned to the sea alive. Any proposed conservation and management measure that does not give priority to avoiding the capture of bycatch species must be supported by appropriate analysis.

Regulatory guidance at 50 CFR § 600.350 also provide criteria that are to be considered by Councils in determining if proposed bycatch measures are practicable.

Councils are to:

"(3) Select measures that, to the extent practicable, will minimize bycatch and bycatch mortality. (i) A determination of whether a conservation and management measure minimizes bycatch or bycatch mortality to the extent practicable, consistent with other national standards and maximization of net benefits to the Nation, should consider the following factors:

(A) Population effects for the bycatch species.
(B) Ecological effects due to changes in the bycatch of that species (effects on other species in the ecosystem).
(C) Changes in the bycatch of other species of fish and the resulting population and ecosystem effects.
(D) Effects on marine mammals and birds.
(E) Changes in fishing, processing, disposal, and marketing costs.
(F) Changes in fishing practices and behavior of fishermen.
(G) Changes in research, administration, and enforcement costs and management effectiveness.
(H) Changes in the economic, social, or cultural value of fishing activities and nonconsumptive uses of fishery resources.
(I) Changes in the distribution of benefits and costs.
(J) Social effects."

IR/IU Technical Committee Report
November 18-19, 2003

The NPFMC's IR/IU Technical Committee met at the Alaska Fishery Science Center in Seattle, November 18-19, 2003, to review a number of issues requested by the Council at the October 2003 meeting. The Committee was chaired by Dr. Dave Hanson. Committee members present were Bill Orr, Susan Robinson, Teressa Kandianis, Eric Olsen, Dave Wood, John Henderschedt, Gerry Merrigan, Greg Baker, and Michelle Ridgeway. Jon McCracken and Darrell Brannan (NPFMC), Marcus Hartley of Northern Economics, Jeff Hartman of NOAA Fisheries, and Kenneth Hansen from the Enforcement Division served as primary staff support. Lauren Smoker (NOAA GC), Sue Salveson and Jay Ginter (SF), Earl Krygier and Rachel Baker (ADF&G) were also in attendance. Others in attendance included Paul MacGregor, Lisa Butzner, Jan Jacobs, Keith Bruton, Ed Luttrell, Rob Wurm, Dave Fraser

The Committee was tasked with reviewing and, if need be, refining several components and options considered by the Council at the October 2003 meeting and any other issues they deem necessary. The following summarizes the committee's discussions and recommendations. Note, a revised list of components and options is provided in Appendix A. The list has been reorganized based on Committee recommendations, so any reference to components and options in the minutes are based on the revised list in the appendix.

I. Pacific Cod Allocations

At the October 2003 meeting, the Council added several new suboptions to the Pacific cod allocation component and requested the Committee review and refine them if necessary. At the Committee meeting, staff presented several issues associated with these new suboptions that needed clarification so that the analysis could begin after the December Council meeting. These issues are presented below:

- Allocation to <60' fixed gear catcher vessels under suboption 8.1.1
- Rollover suboptions 8.1.2.b, 8.1.2.c, and 8.2.2.
- Under suboption 8.3.3 and 8.3.5, the exclusion of 2000 does not match Council action in October 2003. At that meeting, the Council changed the year excluded from 2000 to 2001 because of the biological opinion of the Steller Sea lion and its impact on the fleet.

In addition, the Council also requested that the IR/IU Committee examine the need to include tables and data in the initial analysis that shows the Pacific cod fishery split between the Bering Sea and Aleutian Islands. The purpose of the request was so the Council could consider the impacts of implementing separate Pacific cod allocations for the Bering Sea and Aleutian Islands if TACs are set for both areas in the future.

i. <60' Fixed Gear Catcher Vessels and Jig Sector Pacific Cod Allocation

The Committee first addressed Suboption 8.1.1. The Committee agreed that the BSAI Pacific cod allocations of 2, 3, or 4 percent for the <60' fixed gear catcher vessels was from the overall TAC (after CDQ apportionments).

ii. Rollover Allocations for Pacific Cod

The Committee then discussed the rollover options under Option 8.1 and 8.2. It was pointed out by staff that the difference between Amendment 77 and current regulations was the method for reallocating the jig quota that is projected to remain unused. Under current regulations (prior to implementation of Amendment 77) 95 percent of the unused quota would be reallocated to the hook-and-line catcher processor sector and the remaining 5 percent would be reallocated to the pot sector. However, Amendment 77 would change the rollover method by reallocating projected unused jig quota to the <60' hook-and-line or pot catcher vessels before being reallocated to the hook-and-line catcher processors if its projected to be unused. Staff also pointed out that Amendment 77 will be implemented by January 1, 2004. Given that scenario, the current regulations at the time the Council would be making a final decision on Amendment 80 (currently scheduled for June 2004) and the current regulations with Amendment 77 are redundant. The Committee agreed after some discussion that only one option is needed because of this redundancy. Therefore the Committee recommended that the only option be the current regulations at the time of final Council decision, thus eliminating any confusion surrounding the rollover options.

In addition, the Committee also agreed that BSAI Pacific cod rollovers in Option 8.1 and 8.2 should follow the hierarchical nature of the sector–from the most precise definition of a sector to the next more inclusive definition before unused Pacific cod is reallocated to a different gear type. For example, if it was determined that AFA Trawl CVs would not be able to catch their apportionment of Pacific cod, then NMFS would roll it over to non-AFA Trawl CVs. If the Non-AFA trawl CVs are determined to be unable to utilize the rollover, NMFS would roll it over to the two trawl CP sectors—proportional to apportionments if both sector can use it, or disproportionally if one sector appears less likely to use its full share. If both trawl CP sectors are unable to fully utilize the rollover, some or all of the rollover would move to the fixed gear sectors in the same proportions as their allocations.

The Committee also discussed at length the rollover provisions in Option 8.3. Under this option, Pacific cod would be allocated to sectors based on current regulations, but the trawl CV and CP allocation would be reduced and the apportionment to the fixed gear sector would be increased by the average percent of the TAC that was rolled over from the trawl sector to the fixed gear sector. The focus of the Committee's discussion centered around how the trawl apportionment method differed from the apportionment method in Option 8.1. The Committee also spent some time discussing what allocation method was appropriate for the remaining trawl CV and CP apportionments. In the end, the Committee determined that Option 8.3 was an option that relies on actual catch history through back calculation from apportionments and rollovers, and therefore Option 8.3 was nearly identical to the outcome under Option 8.1. As a result, the Committee recommended deleting Option 8.3.

iii. Bering Sea and Aleutian Islands Pacific Cod Split

The Committee then had lengthy discussion on separating out Pacific cod catch between Bering Sea and Aleutian Islands. At the October 2003 meeting, the Council requested that the IR/IU Technical Committee review the need to include tables and data reflecting the impacts of Pacific cod split between the Bering Sea and Aleutian Islands in the initial analysis for Amendment 80. The request stems from a motion passed by the Council in April 2003 to include a discussion of recent fishing patterns for Pacific cod in the Bering Sea and Aleutian Islands in the 2004 SAFE document. The discussion would also focus on impacts the split would have on the TAC setting process and future Pacific cod allocations. However, the Council at that meeting also made it clear that the intent of this request was not a recommendation to split Pacific cod TAC between Bering Sea and Aleutian Islands.

The Committee, in discussing separating out BSAI Pacific cod between Bering Sea and Aleutian Islands, immediately realized the complexity of the task involved. Some of the issues discussed included squid-box problems, extremely contentious allocation processes, and potentially huge operational problems for firms having to deal with allocations in two different areas. One example discussed by the Committee is the potential for the non-AFA trawl CP sector to not receive enough Bering Sea Pacific cod allocation to harvest their flatfish allocation, which would result in stranding flatfish allocation in the Bering Sea. In another example, depending on what allocation method used, sectors could be allocated Pacific cod in an area they have not traditionally fished in the past, and with no way to trade or lease quota under an open access fishery, there is a potential for cod TAC to be stranded. The Committee also discussed the impacts that TAC fluctuations in the BS and AI could have on firms. For example, if a firm was allocated their entire quota in the AI and the AI TAC was greatly reduced while the BS TAC was stable, they would be worse off with separate BS and AI allocations than they would have been if their allocation was based on a combined BSAI TAC. As a result of these complexities, the Committee recommends that TAC and PSC allocations of Pacific cod between the Bering Sea and Aleutian Islands subareas not be part of the Amendment 80 process. However, the Committee recommends including a discussion of the issues associated with splitting out Pacific cod TAC between the Bering Sea and Aleutian Islands, including tables presented in the discussion paper to the Committee (see Appendix B) in the analysis for Amendment 80. Further, the Committee recommends that the analysis include a discussion on the following four methods of allocating Pacific cod between the Bering Sea and Aleutian Islands and include examples with each of the methods:

1. No allocation (status quo)
2. Equal allocations between areas
3. Allocations based on historical catch in area
4. Fluctuating TACs

The discussion would serve to identify the complexities of splitting out Pacific cod between areas in addition to highlighting the difficulty faced using any approach in allocating Pacific cod by area.

Finally, if a split of Pacific cod between areas is recommended in a future action separate from Amendment 80, the Committee recommends that the analysis include options on how to deal with the allocation issues. Furthermore, if other species splits are undertaken in the future, then the Committee strongly recommends that inter-cooperative agreements be used to deal with the allocative issues among sectors.

II. CDQ and PSQ Allocations

During the October meeting, the Council adjusted the CDQ allocation component by adding language that allocates PSC proportional to CDQ allocation. In other words, if the CDQ groups were allocated 10 percent of all groundfish they would be allocated 10 percent of each PSC species limit. In addition, the Council requested the IR/IU Technical Committee to review PSC allocations to the CDQ program to determine if there is a need to adjust the PSC allocation if the Council elects to raise the CDQ.

The Committee was presented information from NMFS-AKR annual catch statistics showing CDQ groundfish catch and PSC catch from 1999 to 2003. Generally, the data show that the use of PSC by the CDQ program is considerable lower than general groundfish fisheries in the BSAI. However, it was noted by one Committee member, that the CDQ program needed nearly all of its Chinook and non-Chinook PSC allocation in recent years to complete its target fisheries. The Committee spent some time discussing a number of different mechanisms for allocating PSC to the CDQ program that would be similar to the PSC allocations to the sectors. However, it was determined by the Committee that the CDQ program is operationally different

from the sectors noted in Amendment 80a, and fashioning a PSC option for the CDQ program would be too complex. In the end, the Committee recommended that the options for PSC allocation to the CDQ program not only include an alternative for proportional allocations of PSQ, but also alternatives that are less than proportional–specifically PSC allocations at 7.5%, 8.5%, 10%. The recommendation to add options that are less than proportional stems from the historically usage of PSC by the CDQ program. In addition, the Committee recommended not allocating herring PSC to the CDQ program (status quo). The reason for status quo recommendation is to avoid creating a regulatory conflict for vessel operators, since state and federal bycatch retention standards are different for herring.

III. PSC Allocations

At the October 2003 meeting, the Council clarified PSC allocation language by focusing Option 11.2 to apportion PSC allowances to sectors in proportion to the total groundfish harvested in a target fishery. In addition, the Council added Suboption 11.2.2, which would apportion separate PSC allowances for the Bering Sea and Aleutian Islands. Finally, the Council requested the IR/IU Committee to review and further develop Component 11.

The Committee first discussed the need to include a rate-based method for allocating PSC in the options for consideration. Under the rate-based method, a PSC allocation to a fisheries group (yellowfin sole, Pacific cod, rocksole/other flatfish, etc.) would be based on the average rate of PSC attributed to that fisheries group. Then at the sector level, a PSC allocation would then be based on the percent of that fisheries group allocated to that sector. For example, if the average halibut mortality attributed to the yellowfin sole fisheries group for the years 1999-2002 was 1000 mt, and the non-AFA CP sector was allocated 90 percent of the yellowfin sole TAC based on 1999-2002 catch history, then the non-AFA CP sector would be allocated 900 mt of halibut PSC.

The rate-based discussion then led to the Committee developing and refining a two-stage process for determining PSC allocations. The first stage would be to determine the amount of a PSC species that would be allocated to fisheries groups in the future. The second stage would be to determine the sector apportionment within each of the fishery groups. The Committee developed a table (shown below) to help illustrate the two-stage process:

Determination of PSC allocations to fisheries groups	**Determination of sector apportionment within each fisheries group**
1: Apportionment based on the current TAC process	A. Apportionment based on the current TAC allocation process
2: Apportionment based on the historical PSC apportioned to the fisheries group	B. Apportionment based on PSC use by sector
3. Apportionment based on a 5-year rolling average of historical PSC to the fisheries group	C. Apportionment based on harvest of total groundfish by fisheries group
4: Apportionment based on the use of PSC	D. Apportionment based on the harvest of target species in that fisheries group

PSC allocation options for analysis would be developed by combining one of the four methods for determining PSC allocations to fisheries groups (first column) with one of the four methods for determining sector apportionments (second column). The Committee indicated that these options can be mixed and matched across PSC species. The Committee also recommended retaining options for reducing the PSC allocation by 60 percent,75 percent, 90 percent, 95 percent, and no reduction for PSC allocation to sectors. The Committee also recommended deleting separate PSC allocations for the Bering Sea and Aleutian Islands. Below are the recommended options based on those presented in the table above:

Option 1 Apportion PSC for each fisheries group through annual TAC setting process.

a. Apportion PSC allowance to sectors in proportion to TAC allocated.

b. Apportion PSC allowance to sectors in proportion to the PSC usage.

i. Reduce apportionments to 60% of calculated level

ii. Reduce apportionments to 75% of calculated level

iii. Reduce apportionments to 90% of calculated level

iv. Reduce apportionments to 95% of calculated level

v. Do not reduce apportionments from calculated level

c. Apportion PSC allowance in proportion to the total groundfish harvested by fisheries group.

d. Apportion PSC allowance in proportion to the target species harvested in that fisheries group.

Option 2 Apportion PSC for each fisheries group in proportion to the historical fisheries group apportionment.

a. Apportion PSC allowance to sectors in proportion to the TAC allocated.

b. Apportion PSC allowance to sectors in proportion to the PSC usage.

i. Reduce apportionments to 60% of calculated level

ii. Reduce apportionments to 75% of calculated level

iii. Reduce apportionments to 90% of calculated level

iv. Reduce apportionments to 95% of calculated level

v. Do not reduce apportionments from calculated level

c. Apportion PSC allowance to sectors in proportion to the total groundfish harvested by fisheries group.

d. Apportion PSC allowance to sectors in proportion to the species harvested in that target fisheries group.

Option 3 Apportion PSC for each fisheries group in proportion to a 5-year rolling average for fisheries group allocations.

a. Apportion PSC allowance to sectors in proportion to the TAC allocated.

b. Apportion PSC allowances to sectors in proportion to the PSC usage.

i. Reduce apportionments to 60% of calculated level

ii. Reduce apportionments to 75% of calculated level

iii. Reduce apportionments to 90% of calculated level

iv. Reduce apportionments to 95% of calculated level

v. Do not reduce apportionments from calculated level

c. Apportion PSC allowances to sectors in proportion to the total groundfish harvested by fisheries group.

d. Apportion PSC allowances to sectors in proportion to the target species harvested in that fisheries group.

Option 4 Apportion PSC for each fisheries group in proportion to the actual amounts of PSC attributed to target fisheries groups over a defined set of years.

a. Apportion PSC allowance to sectors in proportion to the TAC allocated.

b. Apportion PSC allowance to sectors in proportion to the PSC usage.

   i. Reduce apportionments to 60% of calculated level
   ii. Reduce apportionments to 75% of calculated level
   iii. Reduce apportionments to 90% of calculated level
   iv. Reduce apportionments to 95% of calculated level
   v. Do not reduce apportionments from calculated level

c. Apportion PSC allowance to sectors in proportion to the total groundfish harvested by fisheries group.

d. Apportion PSC allowance to sectors in proportion to the target species harvested in that fisheries group.

The Committee also indicated that they would like to see tables showing actual historic use of PSCs for each of the fishery groups. Finally, the Committee asked that the analysis include text indicating that bycatch rates are not always caused by dirty fishing practices, but rather that all of the conventions built into the fishery management system and markets drive these bycatch rates, and that PSC rates should not be assigned value judgements (e.g. high, low, clean, dirty).

IV. Underutilized and Unallocated Species

A concern raised at the August IRIU Committee and at the October Council meetings is the need for a better understanding of what species are considered "underutilized" and how they would be managed. The Committee reviewed a discussion paper outlining the difficulty in defining underutilized and unallocated species prepared by staff (see Appendix C). The Committee stated that groundfish allocations based on the TAC as denominator do not work, should not be used, and should be stricken from the list of options. Instead, the Committee believes that an alternative allocation method should be developed if underutilized species develop in the future. The Committee believes that due to fluctuations in stocks, it is likely that in the future there will be species that appear to be underutilized. The method suggested by the Committee would define a TAC threshold for each species, or on larger aggregations of species or complexes, specifically for rock sole, flathead sole, yellowfin sole combined. If the TAC is set above the threshold then the species or species group would be considered underutilized, and the amount above the threshold would be made available to other sectors. Consideration would also need to be given to amounts of PSC available, as well as the stocks of other incidental catch species.

V. Harvest of Pollock by the non-AFA Trawl CPs

In October, the Council requested another option be added that addresses issues raised by the IR/IU Technical Committee at its August 2003 meeting regarding the harvest of pollock by the non-AFA trawl CPs. However, the Committee, noted that this issue was completed at the August meeting and is not in need of any further refinements. At that August meeting, the Committee recommended that if changes are made to the ICA, over the current 3.5 percent for example, NOAA Fisheries should document that such change was consistent with the intent of the Council's MRA actions in June 2003, and whether such changes were attributable to increased harvesting of pollock by a given sector, or other factors.

VI. Enforcement Levels in Voluntary Cooperatives

Currently there has been no formal discussion at the IR/IU Technical Committee level concerning the formation of voluntary cooperatives for sectors other than the trawl H&G CP sector noted in Amendment 80b. However, if the Council approves sector allocations, there is the possibility that sectors may form voluntary cooperatives. Due to questions recently raised by NOAA Fisheries concerning the level of monitoring and enforcement that would be needed for voluntary cooperatives, the issue was added to the Committee's agenda for discussion.

The Committee received a report from NOAA Fisheries concerning the justification for increased monitoring for those voluntary cooperatives formed as a result of Amendment 80a. NOAA Fisheries suggested that they are looking for some direction from the Committee and the Council to begin studying this issue in earnest. It was pointed out by staff, that the analysis will include a discussion of the implications of sector allocations including voluntary cooperatives and the potential changes in fishing behavior. Also included in the analysis will be a section devoted to monitoring and enforcement issues. NOAA Fisheries was requested to provide analysis, based on concerns that have been identified within the agency, for these sections.

The Committee then spent some time discussing issues surrounding the linkage between Amendment 80a and 80b and Amendment 79. The Committee indicated that Amendment 80b is needed to address higher retention standards required under Amendment 79, and Amendment 80a was needed to allocate groundfish to the non-AFA trawl catcher processors. In addition, the Committee briefly discussed the potential that Amendment 80a might pass before 80b because a number of complicated issues associated with Amendment 80b. Therefore, the Committee strongly recommends that Amendment 80a and 80b be implemented together and before Amendment 79 or at the same time.

VII. Catch History Years (Amendment 80b)

Next, the Committee addressed the years of catch history that are to be used in the calculation of allocation between the cooperative and open access pool. The Committee recommended adding the following options:

- 1995-2003, but each vessel drops its lowest annual catch for any two years
- 1995-2003, but each vessel drops its lowest annual catch for any three years
- 1998-2003, but each vessel drops its lowest annual catch for any two years
- 1995-2002, but each vessel drops its lowest annual catch for any two years
- 1995-2002, but each vessel drops its lowest annual catch for any three years

VIII. Sector Catch History Years

The Committee added the following options for consideration in Component 5:

- 1999-2003
- 1999-2003, excluding 2001 because of the biological opinion (added by staff for consistency with other options in Component 5)

IX. Sector Definitions

The Committee then spent some time discussing the purpose of Issue 1 of Amendment 80a. More specifically, the discussion centered on trying to determine if Issue 1 was only supposed to determine the method for assigning catch to sectors, or if it was supposed to include language for sector eligibility in

addition to assigning catch. After some discussion, the Committee agreed that Issue 1 should only focus on assigning catch to sectors as in Components 6 and 7, and sector eligibility for future participation be determined on a sector by sector basis like the non-AFA trawl catcher processors in a separate section. The Committee also recommended that former Components 2 and 3 be moved to the end of Amendment 80a, so they become Components 12 and 13. The new Components 12 and 13 will be used as the starting point for defining future eligibility to participate in the sector.

In addition, the Committee recommended clarifying the assignment of catch history belonging to the three non-AFA surimi fillet trawl catcher processors that left the U.S. fisheries in 1997 and the nine vessels bought out as a result of the AFA (AFA 9). In each case, the Committee made no recommendation on how to assign the vessels groundfish catch history, or if it should be deleted. Nearly all of the tables generated for Amendment 80a have separated their catch history from other sectors so the Council could see the impacts of various decisions. In the case of the three non-AFA surimi fillet trawl catcher processors, catch history would either have to be assigned to a sector defined in Amendment 80a, or be eliminated from the catch history pool. Alternatively, the Council could select catch history years after 1997 for the purpose of groundfish and PSC allocations, thus eliminating the need to assign or delete the catch history. In the case of the AFA 9, the confusion stems, in part, from the AFA. Paraphrasing Section 209 of the AFA, it states that all catch history associated with the AFA 9 that could qualify for any present or future limited access system permit in any fishery with the EEZ are hereby extinguished. However, paraphrasing Section 211(b)(2)(A) and (B), catch history of the AFA 9 is included in determining the catcher/processor sideboards and PSC limits for any BSAI groundfish fishery (other than the pollock fishery). Possible solutions for the AFA 9 are similar to those noted above for the non-AFA surimi fillet vessels. Catch history for the AFA 9 could either be assigned to a sector defined in Amendment 80a or deleted from the catch history pool. Alternatively, the Council could select catch history years after the implementation of the AFA (2000-2003)for the purpose of groundfish and PSC allocations, thus eliminating the need for assigning or deleting catch history for the AFA 9.

In trying to address the AFA 9 and three surimi/fillet trawl catcher processors issues, the Committee recommended that written descriptions defining the sectors outlined in Issue 1 be developed. Based on these recommendations, staff has prepared a description of each sector defined in Amendment 80a and these are presented in Appendix D. Note that the AFA trawl catcher processor sector description points out that the Council will need to determine the status of the AFA 9 and three surimi/fillet vessels that left the U.S. fisheries in 1997.

X. Revised Components and Options

Finally, the Committee recommended that staff provide a reorganized list of components and options that would match more closely the Council's decision process (see Appendix A for a copy of the revised components and options).

Appendix A: Components and Options for Amendment 80a and 80b

The following is a revised list of components and options based on recommendations from the November 18-19 IR/IU Technical Committee meeting. The bolded and underlined text represents an option that the IR/IU Committee recommends should be added to the list of components and options the Council developed during their October 2003 meeting. The highlighted text represents an option the Committee recommends deleting from the Council's list of components and options. In addition, many of the components have moved based on recommendations by the Committee and to aid in the decision process.

Components and Options for Amendment 80.a—BSAI Sector Allocations

Issue 1: Sector Allocations of Groundfish in the BSAI

The following is a list of the sectors for purposes of groundfish and PSC apportionment (see Appendix D for a description of each sector):

Non-AFA Trawl CPs	AFA Trawl CPs	Non-AFA Trawl CVs	AFA Trawl CVs	Longline CPs
Pot CPs	Pot CVs	Longline CVs	Jig CVs	<60' H&L/Pot CV

Note: The Committee recommend moving former Components 2 and 3 (now labeled Component 12 and 13) to the end of Amendment 80a under a new Issue 3 that would focus on sector eligibility. In addition, staff moved former Component 1 to Component 7 to reflect a more appropriate place given the decision process.

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

Option 1.1 Include all groundfish species except pollock.

Suboption 1.1.1 Exclude certain species to prevent allocations that are so small that they preclude sectors from harvesting their allocation of species typically taken in directed fisheries. Allocations of species that are excluded would be allocated as they are under status quo, and managed as in the following component.

Option 1.2 Include only the following target species—Pacific cod, yellowfin sole, rock sole, flathead sole, Atka mackerel, Greenland turbot, AI Pacific ocean perch. Species could be added or deleted through an amendment process. Allocations of species that are excluded would be allocated as they are under status quo, and managed as in the following component.

Suboption 1.2.1 Sectors that do not participate in target fisheries for a species in this option would not be allocated sector specific apportionments for that species. These species would be managed as in the following component.

Component 2 Management of non-target species.

Option 2.1 Use the current management system.

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

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

Component 3 CDQ and proportional PSC (Note that the PSC levels are defined in Component 10) allocations shall be removed from the TACs prior to allocation to sectors at percentage amounts equal to one of the following.

Option 3.1 7.5% of the TAC of each species in the program
Option 3.2 10% of the TAC of each species in the program
Option 3.3 15% of the TAC of each species in the program
Option 3.4 20% of the TAC of each species in the program

Component 4 Sector Allocation Calculation (*after deductions for CDQs*):

Option 4.1 Each of the species selected in Component 1 will be allocated to the sectors. Each sector shall be allocated the percentage of the TAC that is equal to the sector's average of the annual harvest percentages,[1] during the years specified in the following component. The sectors harvest is defined as that catch, taken by vessels when operating in the mode that defines the sector[2] . These percentages will be calculated based on the method selected in Component 6.

Component 5 Sector Catch History Years

Option 5.1 1995–1997
Option 5.2 1995–2002
Option 5.3 1995–2003
Option 5.4 1995–2002, excluding 2001 because of the biological opinion
Option 5.5 1995–2003, excluding 2001 because of the biological opinion
Option 5.6 1998–2002
Option 5.7 1998–2003
Option 5.8 1998–2002, excluding 2001 because of the biological opinion
Option 5.9 1998–2003, excluding 2001 because of the biological opinion
Option 5.10 1999-2003
Option 5.11 1999-2003, excluding 2001 because of the biological opinion (added by staff for consistency with other options in Component 7)
Option 5.12 2000–2002
Option 5.13 2000–2003

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[1]The equation shown describes the allocation for a given sector, species, and year:

$$A(x,y,z) = TAC_{y,z} \cdot \frac{\sum_{n=N_1}^{N_2} C_{n,x,y}}{\sum_{x=1}^{X} C_{n,x,y}} \Big/ (N_2 - N_1 + 1)$$

where:
x is the sector,
y is the species,
z is the year for which the allocation is to be determined,
n is the year used in the allocation determination (starting with year N_1 and ending with year N_2),
$C_{n,x,y}$ is the catch of species y by vessels in sector x in year n,
$TAC_{y,z}$ is Total Allowable Catch for species y in year z, and
$A(x,y,z)$ is the allocation for a given sector (x), species (y), and year (z).

[2]The catch of vessels that meet the sector's definition and were operating in that mode, during the qualifying years, is assigned to the sector. This means that only the portion of a vessel's catch when it was operating in that sector, would count towards the sector's allocation. It also means that a vessel's catch history would be assigned to a sector even if they do not qualify to participate in the sector based on the criteria selected in Issue 3.

Component 6 For purposes of apportionments, annual catch percentages will be defined using one of the following:

Option 6.1 Total catch of the sector over total catch by all sectors

Option 6.2 Retained catch of the sector over retained catch by all sectors

Option 6.3 Retained catch of the sector over the TAC

Option 6.4 Total catch of the sector over the TAC

Note: The Committee strongly recommends eliminating Options 6.3 and 6.4 and adding an alternative method to allocate species that are considered underutilized. The method suggested by the Committee would define a TAC threshold for each species or species complex. If the TAC is set above the threshold, in a given year, then the amount of the TAC for each species or species aggregation that is above the threshold would be made available to vessels operating in other sectors.

Component 7 Determines whether a vessel, because of its use of multiple gears over time, may be part of more than one sector.

Option 7.1 A vessel may qualify for more than one sector.

Suboption 7.1.1 Vessels will lose that catch history in sectors for which they do not qualify, but the sector will retain that catch history.

Suboption 7.1.2 Vessels will retain that catch history in sectors for which they do not qualify, and may assign that catch to any sector for which they do qualify.

Option 7.2 A vessel will only be eligible to participate in one sector. Catches of vessels that are not eligible for the sector will not be included in the sector's apportionment. Each vessel's sector will be determined by:

Suboption 7.2.1 The sector in which it has the highest level of participation during the years used for the sector definitions.

Suboption 7.2.2 The sector in which it most recently participated during the years used for the sector definitions.

Note: After revising the list of components and options, staff recommends deleting Component 7 because it no longer appears applicable with Committee recommendations for sector allocations (Component 4) and sector eligibility (Issue 3). The Committee recommended separating sector allocation options from sector eligibility options, and as a result, much of the intent of this component would either duplicates or contradict the options in Components 4, 12 and 13. In addition, the sector allocation method recommended by the Committee is based on the mode the vessels was fishing in at the time the qualifying catch history was landed, so Suboption 7.1.2 and all of Option 7.2 component would be in conflict with Component 4.

If there are elements of Component 7 that the Council wishes to retain, then it is recommended that those options be added to the appropriate component.

Component 8 Options for determining Pacific cod allocations

Option 8.1 Pacific cod shall be allocated in the same method used to allocate the other targeted species. This option would supercede all existing apportionments of Pacific cod in the BSAI, including splits among the fixed gear sectors.
Rollovers between sectors shall **follow the hierarchical nature of the sector–from the most precise definition of a sector to the next more inclusive definition before unused Pacific cod is reallocated to a different gear type. In addition, rollovers between sectors shall be administered using regulations at the time of final Council action.**

Suboption 8.1.1 The <60' catcher vessels fixed gear (pot and hook and line) sector and jig sector combined allocation **from TAC (after CDQ apportionment)** is to be:
a. 2%
b. 3%
c. 4%

Suboption 8.1.2 Rollovers between sectors shall be done as follows:
a. As in current regulation
b. As in current regulation and in Amendment 77
c. Other

Option 8.2 Pacific cod shall be allocated based on apportions in regulation as modified by Amendment 77 with an additional split of the Trawl CP apportionment as follows:

- Non-AFA Trawl CPs will be allocated 18.3 percent of the Pacific cod TAC available after deduction for the CDQ program.
- AFA Trawl CPs will be allocated 5.2 percent of the Pacific cod TAC available after deduction for the CDQ program.

Rollover provisions shall **follow the hierarchical nature of the sector–from the most precise definition of a sector to the next more inclusive definition before unused Pacific cod is reallocated to a different gear type. In addition, rollovers between sectors shall be administered using Amendment 77 regulations implemented on January 1, 2004.**

Suboption 8.2.1 Current regulations
Suboption 8.2.2 Current regulations and Amendment 77

Option 8.3 Pacific cod shall be allocated based on splits currently in regulation, but reducing trawl CV and trawl CP apportionments and increasing the apportionment to the fixed gear sector by the average of the percentages of the TAC (after CDQ apportionments) that were rolled over from trawl to fixed gear during the years in the suboptions below. The increased allocation to the fixed gear sector would be divided among fixed gear sectors according to trawl rollover provisions in existing regulations.[3] Allocation of the remaining trawl CV and CP apportionments would be based on either Option 9.1 or 9.2.

Suboption 8.3.1 1995–1997
Suboption 8.3.2 1995-2002
Suboption 8.3.3 1995-2002, excluding 2000 because of the injunction
Suboption 8.3.4 1998-2002
Suboption 8.3.5 1998–2002, excluding 2000 because of the injunction.
Suboption 8.3.6 2000–2002

Rollover provisions shall be based on current regulations.

[3]The current regulation (approved under Amendment 64) apportions 95 percent of trawl rollover to Longline CPs and 5 percent to Pot vessels. Amendment 77 which is slated to supercede Amendment 64, proposes to continue the same split of trawl rollovers.

Component 9 If, in the future, there is a specific allocation to a state water fishery in the BSAI, the allocation would be deduction from the TAC before the allocations to specific sectors are calculated.

Issue 2: Sector Allocations of Prohibited Species Catch Limits in the BSAI

The Committee recommended a two-stage process for allocating PSC limits to sectors. The first stage would be to determine the PSC allocation to fisheries groups (Options 11.1, 11.2, 11.3, and 11.4). The second stage would be to determine the sector apportionment within each fisheries group, which are the suboptions below. The Committee indicated that these options can be mixed and matched across PSC species.

Component 10 **PSC is allocated to the CDQ program as PSQ reserves equal to one of the following:**

- **Option 10.1** **7.5% of each PSC limit with the exception of herring**
- **Option 10.2** **8.5% of each PSC limit with the exception of herring**
- **Option 10.3** **10% of each PSC limit with the exception of herring**
- **Option 10.4** **Proportional to the CDQ allocation under Component 10 for each PSC limit with the exception of herring.**

Component 11 **Sector allocations of PSC limits (Council must choose one suboption from both Option 11.1 and 11.2 in order to apportion PSC to sectors).**

Option 11.1 **Apportion PSC to each fishery group that it has historically been accounted against (e.g, yellowfin sole, rockfish, rocksole/flathead sole/other, etc.)**

- **Suboption 11.1.1** **Through annual TAC setting process (the current method)**
- **Suboption 11.1.2** **In proportion to the historic fishery group's apportionment (the Committee recommended using the most recent five years)**
- **Suboption 11.1.3** **In proportion to a 5-year rolling average of that fishery group's PSC allocations (the Committee recommended using the most recent five years)**
- **Suboption 11.1.4** **In proportion to the actual amounts of PSC mortality attributed to the fishery group over a defined set of years (must define years)**

Option 11.2 **Apportion PSC allotments made fishery groups in Option 11.1 to sectors**

- **Suboption 11.2.1** **In proportion to TAC allocated to the sector**
- **Suboption 11.2.2** **In proportion to the PSC usage by the sector**
  - **i. Reduce apportionments to 60% of calculated level**
  - **ii. Reduce apportionments to 75% of calculated level**
  - **iii. Reduce apportionments to 90% of calculated level**
  - **iv. Reduce apportionments to 95% of calculated**

level

v. Do not reduce apportionments from calculated level

Suboption 11.2.3 In proportion to the total groundfish harvested by the sector for each PSC fishery group

Suboption 11.2.4 In proportion to the target species harvested by the sector in that PSC fishery group

Sector allocations of PSC Limits in the BSAI will be accomplished by choosing preferred options and suboptions from the following list of components.

Component 11 Prohibited species bycatch allowances shall be initially assigned to fishery groups (e.g. the rock sole/flathead sole/other flatfish group) based on the relative bycatch apportionments for the years used to determine the groundfish sector apportionments, expressed as a percentage of the total PSC allowance. *(In other words a weighted average of the of the PSC apportionment to each fishery group would be estimated and express as a percentage of the PSC)*

Option 11.1 Each sector shall be initially assigned an amount of each PSC allowance by fishery group based on each sector's historic rates during the period used to determine groundfish apportionments, relative to the total use of the PSC allowance during that same period. For example, if the Non-AFA Trawl CPs used 40 percent of the halibut PSC used by the trawl fleet in the Pacific cod fishery during the period used to determine groundfish apportionments, the Non-AFA Trawl CPs would be initially assigned 40 percent of the halibut PSC initially assigned to Pacific cod trawl fisheries. The overall PSC allocations could be reduced or kept at current levels by applying one of the following percentages to the overall PSC limit.

Suboption 11.1.1 60%

Suboption 11.1.2 75%

Suboption 11.1.3 90%

Suboption 11.1.4 95%

Suboption 11.1.5 100%

Option 11.2 Apportion PSC allowances to sectors in proportion to the total groundfish harvested in a target fishery.

Suboption 11.2.1 Calculate PSC allocations for combined BSAI

Suboption 11.2.2 Calculate separate PSC allocations for Bering Sea and Aleutian Islands.

For example, if the Non-AFA Trawl CPs are allocated 33.9 percent of the trawl apportionment of Pacific cod, the Non-AFA Trawl CPs would be allocated 33.9 percent of the halibut PSC allowance made for trawl Pacific cod.

Issue 3 Eligibility to Participate in a Sector

Note: The Committee recommended moving Component 2 and 3 (now Component 12 and 13) from Issue 1 to Issue 3 at the end of Amendment 80a. The focus of Issue 3 will be a starting point for defining eligibility to participate in the sector.

Component 12 Vessels will be determined to be eligible for a given sector if they meet minimum landings requirements (see the next component) in the years selected from the following:

Option 12.1 1995-1997
Option 12.2 1995-2002
Option 12.3 1997-2002
Option 12.4 1998-2002
Option 12.5 1999-2002
Option 12.6 2000-2002

Component 13 Vessels will be determined to be eligible for a given sector if, during the previously specified sets of years, the vessel meets the minimum landings criteria selected from the following:

Option 13.1 **At least one landing**
Option 13.1 **0 MT**
Option 13.2 50 MT
Option 13.3 100 MT
Option 13.4 250 MT
Option 13.5 500 MT
Option 13.6 1,000 MT

Components and Options for Amendment 80.b—Establishment of a Non-AFA Trawl CP Cooperative Program

The following "single-option" components are common for any cooperative program that might be developed.

- The Program would limit its scope to selected groundfish and prohibited species catches with trawl gear by vessels in the Non-AFA Trawl CP Sector in the BSAI. Groundfish species not included in the program as well as other non-specified fish species or marine resources would not be explicitly managed within the Program, although other regulations regarding these other marine resources would not be superceded.
- The Program will not supercede pollock and Pacific cod IRIU programs, nor will it supercede the Groundfish License Limitation Program. All vessels participating in the program will need to have trawl endorsements with general licenses for BSAI. Length limits within the license will also be enforced such that any new vessel entering the fishery may not exceed the Maximum Length Overall (MLOA) specified on the license.
- Any non-trawl or non-BSAI catches of vessel that are considered part of the non-AFA Trawl CP Sector will not be included in the Program, but would not necessarily be excluded from other rationalization programs.
- New PSC limits for the following species will be created and allocated to the non-AFA trawl catcher processor sector.
    - BSAI non-AFA trawl catcher processor multi-species halibut cap consisting of an apportionment of species identified in Component 1.
    - BSAI non-AFA trawl catcher processor multi-species red king crab cap consisting of an apportionment of the current Pacific cod trawl cap and caps for the flatfish fisheries.
    - BSAI non-AFA trawl catcher processor multi-species snow crab (C. opilio) cap consisting of an apportionment of the current Pacific cod trawl cap and caps for the flatfish fisheries (includes apportionments of the trawl sablefish/turbot/arrowtooth limits).
    - BSAI non-AFA trawl catcher processor multi-species Tanner crab (C. bairdi) Zone 1 cap consisting of an apportionment of the current Pacific cod trawl cap and caps for the flatfish fisheries.
    - BSAI non-AFA trawl catcher processor multi-species Tanner crab (C. bairdi) Zone 2 cap consisting of an apportionment of the current Pacific cod trawl cap and caps for the flatfish fisheries.
- Disposition of groundfish species not allocated to the Non-AFA Trawl CP sector would not change from the status quo.
- Bycatch limits for non-specified species or marine resources specifically for this program would not be established. However, should unreasonable bycatch or other interactions occur, specific regulations to minimize impacts will be considered.
- A Groundfish LLP is required for a Sector Eligibility Endorsement for the Non-AFA Trawl CP Cooperative program.
- Annual allocations to the cooperative that result from catch histories of participating vessel will be transferable among cooperative members. Such transfers would not need to be approved by NOAA Fisheries. Any member vessel of the cooperative will be eligible to use the catch history of any other member vessel regardless of vessel length.
- Permanent transfers of Sector Eligibility Endorsements would be allowed if transferred with the

associated Groundfish LLP. Sector Eligibility Endorsement and associated catch histories would not be separable or divisible. All transfers must reported to NOAA Fisheries in order to track who owns the Sector Eligibility Endorsements. The purchaser must be eligible to own a fishing vessel under MarAd regulations or any person who is currently eligible to own a vessel.

- The Groundfish Retention Standards (GRS) (Amendment 79) would be enforced on the cooperative as an aggregate and on the open access vessels as individuals. If the cooperative cannot meet the standard in the aggregate over a period of two years then the standard would be imposed on individual vessels within the cooperative.
- Vessels participating in the open access portion of the program will be subject to all the same regulations they would be without the Program including all restrictions of the LLP and the GRS if they are approved.
- A cooperative created under this program must have adequate internal rules. Evidence of binding private contracts and remedies for violations of contractual agreements are required to be provided to NOAA Fisheries. The cooperative must demonstrate an adequate mechanism for monitoring and reporting prohibited species and groundfish catch. Vessels participating in the cooperative must agree to abide by all cooperative rules and requirements.
- Specific requirements for reporting, monitoring and enforcement requirements, and observer protocols will be developed for vessels participating in the cooperative portion of the Program in rulemaking process and will not be the purview of the cooperative. The NPFMC and the Non-AFA Trawl CP Sector need to specify their goals and objectives for in-season monitoring and for program evaluation. Recordkeeping and reporting portions of the program can then be developed to ensure that goals and objectives of the program are met in a cost effective manner.
- Review of the non-Trawl CP program will be accomplished by requiring a detailed annual report from any cooperative formed. Fishery managers will review the annual report and determine if the program is functioning as desired. It is recommended that in-depth assessments of program could be undertaken under the auspices of the Council/NOAA Fisheries be undertaken periodically (every three years, for example). Such in-depth studies will report the accomplishments of the program and indicate whether any changes are necessary.
- Socioeconomic data collection programs have been included in AFA, and crab rationalization programs, and are proposed in the GOA Rationalization program. Therefore the analytical team assumes that a socioeconomic data collection initiative would be developed and implemented under the Non-AFA Trawl CP Cooperative Program. The collection would include cost, revenue, ownership and employment data on a periodic basis to provide the information necessary to study the impacts of the program. Details of the collection will be developed in the analysis of the alternatives.

Component 1 Identifies which species will be allocated among the non-AFA trawl catcher processor sector.

Option 1.1 Include all groundfish species for which trawling is allowed, except pollock already allocated to AFA fishery cooperatives.

Suboption 1.1.1 Exclude certain species to prevent allocations that are so small that they preclude persons from harvesting their allocation of species that are typically taken in directed fisheries. Allocations of groundfish species that are excluded would be regulated as they are under the status quo.

Option 1.2 Include only the following target species—Pacific cod, yellowfin sole, rock sole, flathead sole, Atka mackerel, Greenland turbot, AI Pacific Ocean perch. Species could be added or deleted through an amendment process. Allocations of groundfish

species that are excluded would be regulated as they are under the status quo.

Component 2 Establishes procedures for reducing prohibited species catch limits for the non-AFA Trawl CPs Sector.

Option 2.1 No change in overall amount of the current PSC limits.

Option 2.2 Reductions in the PSC limit for halibut is accomplished by taxing in-season non-permanent transfers of PSC within the cooperative. The halibut PSC limit is restored to it original level the following year

Suboption 2.2.1 Transfers of PSC after August 1 are not taxed .

Suboption 2.2.2 Only un-bundled transfers of PSC are taxed.

Option 2.3 Reduce halibut PSC limits by 5% when PSC limits are linked to estimated biomass levels.

Component 3 Identifies the vessels that are in the non-AFA trawl CP sector which would receive Sector Eligibilty Endorsements. (It may be that some vessels identified as part of the sector in Amendment 80.a, may not be issued Sector Eligibility Endorsements.) Owners of each qualified vessel would be issued a Sector Eligibility Endorsement that will be attached to that vessel's LLP identifying it as a member of the non-AFA Trawl CP Sector.

Option 3.1 Non-AFA fishing vessels registered under MarAd regulations and any other vessels eligible to participate in fish harvesting in the Alaska EEZ are eligible for a sector endorsement to be attached to their groundfish license.

Suboption 3.1.1 In addition, vessels must have caught 500 mt. of groundfish with trawl gear and processed that fish between 1998-2002

Suboption 3.1.2 In addition, vessels must have caught 1,000 mt. of groundfish with trawl gear and processed that fish between 1998-2002

Suboption 3.1.3 In addition, vessels must have caught 500 mt. of groundfish with trawl gear and processed that fish between 1997-2002

Suboption 3.1.4 In addition, vessels must have caught 1,000 mt. of groundfish with trawl gear and processed that fish between 1997-2002

The original list included 100 mt and 150 mt, but subsequent analysis indicates that these lower levels have no impact on the number of qualified vessels.

Component 4 Establishes the percentage of eligible vessels that must join a cooperative before the cooperative is allowed to operate. No later than December 1 of each year, an application must be filed with NOAA fisheries by the cooperative with a membership list for the year. In order to operate as a cooperative, members, as a percent of eligible non-AFA Trawl CPs, must be:

Option 4.1 At least 51 percent

Option 4.2 At least 67 percent

Option 4.3 At least 75 percent

Option 4.4 At least 80 percent

Option 4.5 At least 90 percent

Component 5 Determines the method of allocation of PSC limits and groundfish between the cooperative and open access pools.

Option 5.1 Catch history is based on total catch

Option 5.2 Catch history is based on total retained catch

Component 6 Determines which years of catch history are used in the calculation. The allocation of groundfish between the cooperative and open access pool is proportional to the catch history of groundfish in the vessels included in each pool. Applicable PSC limits are allocated between the cooperative and open access pool in same proportions as those species that have associated PSC limits. The catch history as determined by the option selected under this component will be indicated on the Sector Eligibility Endorsement which indicates the vessel's membership in the Non-AFA Trawl CP Sector. The aggregate histories will then applied to whichever either the cooperative or the open access pool.

Option 6.1 1995-2002

Option 6.2 1995-2003

Option 6.3 1995-2002, but each vessel drops its lowest annual catch during this period

Option 6.4 1995-2002, but each vessel drops its lowest annual catch for any two years

Option 6.5 1995-2002, but each vessel drops its lowest annual catch for any three years

Option 6.6 1995-2003, but each vessel drops its lowest annual catch during this period

Option 6.7 1995-2003, but each vessel drops its lowest annual catch for any two years

Option 6.8 1995-2003, but each vessel drops its lowest annual catch for any three years

Option 6.9 1998-2002

Option 6.10 1998-2003

Option 6.11 1998-2002, but each vessel drops its lowest annual catch during this period

Option 6.12 1998-2003, but each vessel drops its lowest annual catch during this period

Option 6.13 1998-2003, but each vessel drops its lowest annual catch for any two years

Option 6.14 1999-2002

Option 6.15 1999-2003

Option 6.16 1999-2002, but each vessel drops its lowest annual catch during this period

Option 6.17 1999-2003, but each vessel drops its lowest annual catch during this period

Option 6.18 2000-2002.

Option 6.19 2000-2003.

Option 6.20 2000-2002, but each vessel drops its lowest annual catch during this period

Option 6.21 2000-2003, but each vessel drops its lowest annual catch during this period

Component 7 Determines if excessive share limits are established in the non-AFA trawl catcher processor sector.

Option 7.1 There is no limit on the consolidation in the non-AFA trawl catcher processor sector.

Option 7.2 Consolidation in the non-AFA trawl CP sector is limited such that no single company can harvest more than a fixed percentage of the overall sector apportionment. Companies that exceed the cap in the initial allocation would be grandfathered.

Component 8 Establishes measures to mitigate negative impacts of the cooperative on fisheries not included in the cooperative program (e.g. fisheries in the GOA).

Option 8.1 Sideboards for cooperative members would be established by regulation using the same years used to calculate the apportionment of PSC and groundfish between the

cooperative and open access pool until such time as these other fisheries are rationalized, when the allocations determined in these newly rationalized fisheries.

Option 8.2 The cooperative is required to prohibit members in the aggregate from exceeding their maximum percent of harvests in other target fisheries. Sideboards would not be established by regulation. This restriction would be discussed in the annual report of the cooperative submitted to the Council and NOAA Fisheries.

Appendix B: Pacific Cod Catch History for the Bering Sea and the Aleutian Islands from 1995-2003

Table 1. Total Pacific cod catch and percent of catch for the Bering Sea and Aleutian Islands from 1995 to 2003.

	BSAI Pacific Cod Catch (mt)			Percent of BSAI Pacific Cod Catch		
Year	Bering Sea	Aleutian Islands	Total	Bering Sea	Aleutian Islands	Total
1995	228,496	16,534	245,029	93.3%	6.7%	100.0%
1996	209,064	31,609	240,673	86.9%	13.1%	100.0%
1997	232,598	25,164	257,762	90.2%	9.8%	100.0%
1998	158,526	34,726	195,648	81.0%	17.7%	100.0%
1999	145,865	28,130	173,995	83.8%	16.2%	100.0%
2000	151,372	39,684	191,056	79.2%	20.8%	100.0%
2001	142,452	34,207	176,659	80.6%	19.4%	100.0%
2002	166,552	30,801	149,456	111.4%	20.6%	100.0%
2003	142,706	28,649	171,355	83.3%	16.7%	100.0%

Source: SAFE, 2003.

Table 2. Annual catch and percent of Pacific cod catch by area and gear in the Bering Sea and Aleutian Islands from 1995 to 2003.

Trawl					
Year	BS Harvest (mt)	AI Harvest (mt)	Total Harvest (mt)	Percent of Catch in BS	Percent of Catch in AI
1995	110,956	10,574	121,530	91.3%	8.7%
1996	91,910	21,179	113,089	81.3%	18.7%
1997	93,924	17,349	111,273	84.4%	15.6%
1998	60,780	20,531	81,311	74.8%	25.2%
1999	51,902	16,437	68,339	75.9%	24.1%
2000	53,815	20,362	74,177	72.5%	27.5%
2001	35,655	15,826	51,481	69.3%	30.7%
2002	51,065	27,929	78,994	64.6%	35.4%
2003	44,662	27,706	72,368	61.7%	38.3%
Longline					
Year	BS Harvest (mt)	AI Harvest (mt)	Total Harvest (mt)	Percent of Catch in BS	Percent of Catch in AI
1995	97,665	4,935	102,600	95.2%	4.8%
1996	88,882	5,819	94,701	93.9%	6.1%
1997	117,008	7,151	124,159	94.2%	5.8%
1998	84,323	13,771	98,094	86.0%	14.0%
1999	81,463	7,874	89,337	91.2%	8.8%
2000	81,640	16,183	97,823	83.5%	16.5%
2001	90,360	17,817	108,177	83.5%	16.5%
2002	100,269	2,865	103,134	97.2%	2.8%
2003	80,490	942	81,432	98.8%	1.2%
Pot					
Year	BS Harvest (mt)	AI Harvest (mt)	Total Harvest (mt)	Percent of Catch in BS	Percent of Catch in AI
1995	19,275	1,024	20,299	95.0%	5.0%
1996	28,006	4,611	32,617	85.9%	14.1%
1997	21,493	575	22,068	97.4%	2.6%
1998	13,232	424	13,656	96.9%	3.1%
1999	12,399	3,750	16,149	76.8%	23.2%
2000	15,849	3,107	18,956	83.6%	16.4%
2001	16,385	544	16,929	96.8%	3.2%
2002	15,051	7	15,058	100.0%	0.0%
2003	17,399	1	17,400	100.0%	0.0%
Other					
Year	BS Harvest (mt)	AI Harvest (mt)	Total Harvest (mt)	Percent of Catch in BS	Percent of Catch in AI
1995	599	0	599	100.0%	0.0%
1996	267	0	267	100.0%	0.0%
1997	173	89	262	66.0%	34.0%
1998	192	0	192	100.0%	0.0%
1999	100	69	169	59.2%	40.8%
2000	68	33	101	67.3%	32.7%
2001	52	19	71	73.2%	26.8%
2002	166	0	166	100.0%	0.0%
2003	155	0	155	100.0%	0.0%

Source: SAFE, 2003

Table 3. Annual catch and percent of Pacific cod catch by area and sector in the Bering Sea and Aleutian Islands from 1995 to 2002.

	Surimi and Fillet Catcher Processors (Trawl)				
Year	BS Harvest (mt)	AI Harvest (mt)	Total Harvest (mt)	Percent of Catch in BS	Percent of Catch in AI
1995	11,293	3,621	14,913	75.7%	24.3%
1996	8,170	4,122	12,292	66.5%	33.5%
1997	5,780	4,333	10,113	57.2%	42.8%
1998	5,033	3,973	9,006	55.9%	44.1%
1999	2,836	3,957	6,793	41.7%	58.3%
2000	1,959	1,838	3,797	51.6%	48.4%
2001	2,161	2,192	4,353	49.6%	50.4%
2002	2,633	1,388	4,021	65.5%	34.5%

	Head and Gut Catcher Processors (Trawl)				
Year	BS Harvest (mt)	AI Harvest (mt)	Total Harvest (mt)	Percent of Catch in BS	Percent of Catch in AI
1995	30,770	4,189	34,959	88.0%	12.0%
1996	19,537	9,446	28,983	67.4%	32.6%
1997	28,026	1,820	29,846	93.9%	6.1%
1998	20,281	5,699	25,980	78.1%	21.9%
1999	20,199	5,167	25,366	79.6%	20.4%
2000	21,488	7,302	28,790	74.6%	25.4%
2001	18,831	6,854	25,685	73.3%	26.7%
2002	22,066	11,141	33,207	66.4%	33.6%

	Pot Catcher Processors				
Year	BS Harvest (mt)	AI Harvest (mt)	Total Harvest (mt)	Percent of Catch in BS	Percent of Catch in AI
1995	3,608	1,021	4,629	77.9%	22.1%
1996	4,104	3,463	7,567	54.2%	45.8%
1997	4,037	406	4,443	90.9%	9.1%
1998	2,970	348	3,318	89.5%	10.5%
1999	2,256	917	3,174	71.1%	28.9%
2000	1,605	1,041	2,645	60.7%	39.3%
2001	2,649	492	3,141	84.3%	15.7%
2002	2,842	6	2,849	99.8%	0.2%

	Longline Catcher Processors				
Year	BS Harvest (mt)	AI Harvest (mt)	Total Harvest (mt)	Percent of Catch in BS	Percent of Catch in AI
1995	96,126	4,014	100,140	96.0%	4.0%
1996	89,903	5,788	95,692	94.0%	6.0%
1997	117,323	7,284	124,608	94.2%	5.8%
1998	86,260	13,757	100,016	86.2%	13.8%
1999	80,944	7,977	88,921	91.0%	9.0%
2000	81,185	15,508	96,693	84.0%	16.0%
2001	89,809	17,682	107,491	83.6%	16.4%
2002	99,141	2,759	101,900	97.3%	2.7%

Source: NMFS Blend Data, 1995-2002

Continuation of Table 3.

Year	Non-AFA Surimi and Fillet Catcher Processors (Trawl)				
	BS Harvest (mt)	AI Harvest (mt)	Total Harvest (mt)	Percent of Catch in BS	Percent of Catch in AI
1995	20,431	2,733	23,164	88.2%	11.8%
1996	9,033	5,422	14,455	62.5%	37.5%
1997	4,423	8,590	13,014	34.0%	66.0%
1998	2,144	9,871	12,016	17.8%	82.2%

Year	Longline Catcher Vessels				
	BS Harvest (mt)	AI Harvest (mt)	Total Harvest (mt)	Percent of Catch in BS	Percent of Catch in AI
1995	1,104	920	2,024	54.5%	45.5%
1996	179	31	210	85.2%	14.8%
1997	129	33	163	79.6%	20.4%
1998	45	40	85	53.2%	46.8%
1999	169	142	311	54.3%	45.7%
2000	353	675	1,028	34.3%	65.7%
2001	551	135	686	80.3%	19.7%
2002	311	106	417	74.6%	25.4%

Year	Pot Catcher Vessels				
	BS Harvest (mt)	AI Harvest (mt)	Total Harvest (mt)	Percent of Catch in BS	Percent of Catch in AI
1995	15,666	3	15,669	100.0%	0.0%
1996	23,001	1,148	24,149	95.2%	4.8%
1997	17,028	3	17,031	100.0%	0.0%
1998	10,016	37	10,053	99.6%	0.4%
1999	10,426	2,588	13,013	80.1%	19.9%
2000	14,278	2,066	16,344	87.4%	12.6%
2001	13,823	86	13,908	99.4%	0.6%
2002	12,812	0	12,812	100.0%	0.0%

Year	Trawl Catcher Vessels				
	BS Harvest (mt)	AI Harvest (mt)	Total Harvest (mt)	Percent of Catch in BS	Percent of Catch in AI
1995	48,899	31	48,930	99.9%	0.1%
1996	54,870	2,189	57,060	96.2%	3.8%
1997	55,647	2,606	58,253	95.5%	4.5%
1998	33,684	1,214	34,898	96.5%	3.5%
1999	28,869	7,313	36,182	79.8%	20.2%
2000	30,431	11,221	41,652	73.1%	26.9%
2001	14,664	6,746	21,410	68.5%	31.5%
2002	25,927	15,393	41,320	62.7%	37.3%

Year	Jig Catcher Vessels				
	BS Harvest (mt)	AI Harvest (mt)	Total Harvest (mt)	Percent of Catch in BS	Percent of Catch in AI
1995	599	0	599	100.0%	0.0%
1996	267	0	267	100.0%	0.0%
1997	173	0	173	100.0%	0.0%
1998	192	0	192	100.0%	0.0%
1999	100	69	169	59.1%	40.9%
2000	38	33	71	53.8%	46.2%
2001	52	19	71	73.2%	26.8%
2002	164	0	164	100.0%	0.0%

/FS Blend Data 1995-2002.

Appendix C: Underutilized and Unallocated Species in the BSAI

A concern raised at the August IRIU Committee and October Council meetings is the need for a better understanding of what species are considered "underutilized" and how they would be managed. This paper is an effort to respond to that request. A discussion of the difficulties defining underutilized species will be provided. Data will also be presented that shows annual TACs, annual historic harvests, and percentages of TACs harvested. The second part of this paper will be devoted to a short discussion of the management of species that are not allocated to either sectors, under Amendment 80a, or cooperatives, under Amendment 80b.

Defining the criteria for determining if a species is underutilized is difficult. In this analysis "underutilized species" are defined as those species whose TAC was not consistently harvested. Other definitions could be developed based on retention standards, market demand, or personal knowledge of the fishery. While these elements will likely play a significant role in defining underutilized species in the Committee and Council process, the above definition is used here for simplicity. The most straightforward method is to review how much of a species was harvested relative to the total amount available. However, employing this method has its drawbacks. Two of the most obvious drawbacks are determining the percentage of a species that must be left in the water for it to be considered underutilized, and the time period for determining that percentage. These drawbacks become even more apparent when looking at annual fluctuations that occur in the BSAI fisheries.

Historic TAC levels are presented in Table 1. That table shows the TACs that have been set in the BSAI for the years 1995-2003. For some of the species that may be considered underutilized, the TACs have varied substantially over the time period being considered. Using rock sole as an example, the TAC was set at over 114,000 mt in 2000. In 2000 over 49,000 mt of rock sole was harvested (Table 2). That level of harvest represents only 43 percent of the TAC (Table 3). Now consider the year 2002. In 2002, the TAC was set under 46,000 mt, and over 41,000 mt of the rock sole was harvested (90 percent of the TAC). Fewer metric tons of rock sole were harvested in 2002, but a much greater percentage of the TAC was taken. Depending on how underutilized is defined, rock sole may have been considered underutilized in 1996, but not in 2002. However, the major factor in determining that definition was where the annual rock sole TAC was set. Where the rock sole TAC is set often depends on the amount of room available under the 2 million mt cap. In 2003, the BS TAC for pollock was about 300,000 mt larger that it was in 2000. Other factors that determine how much of the TAC is harvested are economic markets for products and restrictions placed on the harvest of that species or other BSAI species. From this information one might conclude that rock sole is only underutilized when the pollock TAC is relatively small. This same pattern holds for many of the flatfish and rockfish species in the BSAI.

Focusing on Table 3, we note that it is difficult to determine underutilized species by the percent of TAC harvested. The size of the TAC plays an very important role in determining whether the entire TAC is harvested. During recent years, when the pollock TAC was large (2001 through 2003), the only combined BSAI TACs that could be considered underutilized would be squid, flathead sole, and perhaps arrowtooth flounder. Underutilized TACs set for the just Aleutian Islands could be northern rockfish, shortraker/rougheye rockfish, and Greenland turbot. Underutilized TACs set for the Bering Sea could be POP and other rockfish, however, it is not clearly the case that these are the underutilized species based on the data that are available.

As a result of the these difficulties in determining underutilized species, a comprehensive list of underutilized species will not be presented here. It will be left to the Committee and Council to weigh all these factors when developing the final list of species that will be allocated to sectors and the cooperative.

Table 1: TAC for the Years 1995-2003 (as Reported on NMFS Web Site)

	1995	1996	1997	1998	1999	2000	2001	2002	10/25/2003
Bering Sea									
Other Rockfish	329	380	317	314	314	314	307	307	888
Pacific Ocean Perch	1,850	1,530	2,380	1,190	1,190	2,210	1,471	2,227	1,199
Nothern Rockfish								16	112
Sharpchin/Northern							16		
Shortracker/Rougheye							99	99	126
Other Red Rockfish	1,070	1,071	893	227	227	165			
Sablefish (Fixed Gear)	640	440	440	520	536	588	624	772	1,159
Sablefish (Trawl)	800	468	468	553	569	624	663	821	1,233
Greenland Turbot	4,669	3,967	8,275	8,543	5,126	5,764	5,206	4,958	2,278
Pollock - Inshore	404,687	385,263	365,837	359,363	424,187	491,422	610,800	646,020	653,047
Pollock - Offshore	751,563	715,487	679,413	667,388					
Pollock - AFA Offshore					339,350	393,137	488,640	516,816	522,437
Pollock -AFA Mothership					84,837	98,284	122,160	129,204	130,609
Pollock - Incidental Catch					44,426	42,255	38,400	44,460	36,490
Aleutian Islands									
Other Rockfish	589	728	607	582	583	583	575	575	539
Pacific Ocean Perch	10,500								
Pacific Ocean Perch, East		3,025	3,240	2,840	3,173	2,886	2,683	3,201	3,238
Pacific Ocean Perch, Cent		3,025	3,170	3,192	3,651	3,247	2,368	2,831	3,090
Pacific Ocean Perch, West		6,050	6,390	5,162	5,753	5,245	4,385	5,236	5,411
Nothern Rockfish								6,236	5,438
Sharpchin/Northern	5,103	4,445	3,706	3,596	3,913	4,764	6,239		
Shortracker/Rougheye	933	956	938						
Shortracker/Rougheye (Trawl)				574	625	573	590	591	538
Shortracker/Rougheye (Non-Trawl)				246	268	246	253	253	230
Atka Mackerel, Eastern		26,700	15,000	13,656	15,568	15,018	7,143	5,037	9,753
Atka Mackerel, Eastern (Jig)				127	157	152	72	51	99
Atka Mackerel, Central		33,600	19,500	20,720	20,720	22,848	31,080	22,015	27,158
Atka Mackerel, Western		45,857	32,200	24,975	24,975	27,473	25,808	18,223	18,491
Sablefish (Fixed Gear)	1,320	720	720	828	828	1,459	1,500	1,530	1,860
Sablefish (Trawl)	550	330	255	293	293	515	531	541	659
Greenland Turbot	2,331	1,983	2,525	4,208	2,525	2,839	2,564	2,442	1,122
Pollock - Inshore	18,324	11,525	9,065	7,705	846				
Pollock - Offshore	34,031	21,404	16,835	14,310					

Table 1: TAC for the Years 1995-2003 (as Reported on NMFS Web Site)

	1995	1996	1997	1998	1999	2000	2001	2002	10/25/2003
Pollock - AFA Offshore					676				
Pollock -AFA Mothership					169				
Pollock - Incidental Catch					109	2,000	1,800	900	1,000
Bering Sea & Aleutians									
Alaska Plaice								10,200	9,250
Arrowtooth Flounder	10,227	9,000	17,646	13,600	114,201	111,350	18,709	13,600	10,200
Atka Mackerel - Eastern	13,500								
Atka Mackerel - Central	50,000								
Atka Mackerel - Western	16,500								
Flathead Sole	25,500	25,500	36,975	85,000	65,705	44,755	34,000	21,250	17,000
Other Flatfish	19,540	29,750	43,138	76,019	130,900	71,242	23,800	2,550	2,775
Other Species	20,000	20,125	25,800	21,930	27,931	26,656	22,525	26,201	29,886
Pacific Cod (Trawl)	127,200	130,800							
Pacific Cod (Trawl -C/P)			51,450	42,649	31,475	32,953	30,867	36,975	34,105
Pacific Cod (Trawl - C/V)			65,450	40,649	36,475	41,953	26,867	41,475	39,105
Pacific Cod (Fixed Gear)	121,800	138,200	152,700	110,567	95,300	103,048			
Pacific Cod (HAL C/P)							95,821	87,920	98,811
Pacific Cod (HAL C/V)							665	482	492
Pacific Cod (Pot)							17,469	14,035	17,322
Pacific Cod (Jig)	1,000	1,000	400	385	475	571	478	300	239
Pacific Cod (H&L and Pot <60')									1,363
Pacific Cod (ICA-H&L and Pot)									500
Rock Sole	60,000	59,500	82,607	85,000	102,000	114,546	63,750	45,900	37,400
Squid	850	850	1,970	1,675	1,675	1,675	1,675	1,675	1,675
Yellowfin Sole	161,500	170,000	195,500	187,000	176,783	104,773	96,050	73,100	71,188
Bogoslof									
Pollock - Inshore	298	298	298	298	424				
Pollock - Offshore	552	552	552	553					
Pollock - AFA Offshore					338				
Pollock -AFA Mothership					84				
Pollock (Incidental Catch)					55	1000	900	90	50

Table 2: Total Catch for the Years 1995-2003 (through Oct. 25th, 2003) as Reported on NMFS Web Site

	1995	1996	1997	1998	1999	2000	2001	2002	10/25/2003
Bering Sea									
Other Rockfish	288	170	163	188	135	232	295	398	309
Pacific Ocean Perch	1,207	2,855	817	956	381	2,210	888	630	1,181
Nothern Rockfish								112	71
Sharpchin/Northern							153		
Shortracker/Rougheye							42	104	101
Other Red Rockfish	343	207	230	97	227	245			
Sablefish (Fixed Gear)	638	507	597	447	374	403	486	706	677
Sablefish (Trawl)	299	141	57	116	272	278	349	286	194
Greenland Turbot	5,867	4,844	6,594	8,074	5,205	5,624	4,230	3,096	2,306
Pollock - Inshore	410,204	392,761	362,660	354,499	424,361	486,973	603,278	644,046	653,242
Pollock - Offshore	759,410	709,818	674,129	664,581					
Pollock - AFA Offshore					339,391	393,119	484,467	516,741	522,433
Pollock -AFA Mothership					86,601	98,201	121,331	129,141	130,564
Pollock - Incidental Catch (non-Bogoslof)					39,208	40,774	37,511	41,488	33,499
Aleutian Islands									
Other Rockfish	219	282	305	364	631	563	592	518	382
Pacific Ocean Perch	10,304								
Pacific Ocean Perch, East		3,193	2,986	1,853	2,471	1,920	2,178	2,402	3,766
Pacific Ocean Perch, Cent		2,902	2,796	2,519	2,841	2,219	2,474	2,812	2,965
Pacific Ocean Perch, West		6,732	6,866	4,675	6,568	4,438	3,272	4,685	6,029
Nothern Rockfish								3,601	4,573
Sharpchin/Northern	3,873	6,653	1,997	3,674	5,255	4,737	5,978		
Shortracker/Rougheye	559	959	1,043						
Shortracker/Rougheye (Trawl)				409	340	212	479	349	205
Shortracker/Rougheye (Non-Trawl)				252	145	231	225	114	68
Atka Mackerel, Eastern		28,173	16,318	11,597	16,245	13,152	7,905	4,606	10,822
Atka Mackerel, Eastern (Jig)				-	-	-	-	-	-
Atka Mackerel, Central		33,524	19,990	20,029	21,596	20,575	30,365	20,699	25,433
Atka Mackerel, Western		42,246	29,537	24,248	15,802	8,713	18,264	16,737	17,767
Sablefish (Fixed Gear)	1,011	741	767	523	550	918	965	971	917
Sablefish (Trawl)	106	24	15	13	15	32	39	34	35

Table 2: Total Catch for the Years 1995-2003 (through Oct. 25th, 2003) as Reported on NMFS Web Site

	1995	1996	1997	1998	1999	2000	2001	2002	10/25/2003
Greenland Turbot	2,332	1,712	942	682	423	1,017	1,017	430	615
Pollock - Inshore	17,348	10,357	7,721	7,231	-	1,174			
Pollock - Offshore	42,836	16,240	17,000	14,822					
Pollock - AFA Offshore					60				
Pollock -AFA Mothership					-				
Pollock - Incidental Catch					905	1,174	788	1,134	1,624
Bering Sea & Aleutians									
Alaska Plaice								12,176	9,777
Arrowtooth Flounder	9,281	14,652	10,054	15,235	10,573	12,929	13,908	11,540	12,206
Atka Mackerel - Eastern	14,199								
Atka Mackerel - Central	50,387								
Atka Mackerel - Western	16,966								
Flathead Sole	14,707	17,344	20,704	24,385	17,842	19,983	17,586	15,108	13,631
Other Flatfish	20,231	18,579	22,871	15,348	15,252	16,403	9,939	2,570	2,701
Other Species	22,213	21,440	25,019	25,377	18,677	24,030	25,482	26,296	22,673
Pacific Cod (Trawl)	121,349	113,089							
Pacific Cod (Trawl -C/P)			48,177	41,639	31,111	31,883	29,398	36,496	33,423
Pacific Cod (Trawl - C/V)			63,035	39,669	36,079	41,593	21,354	41,683	38,963
Pacific Cod (Fixed Gear)	123,186	127,317	146,281	111,751	95,002	103,888			
Pacific Cod (HAL C/P)							96,238	89,397	77,673
Pacific Cod (HAL C/V)							637	404	267
Pacific Cod (Pot)							16,506	15,054	16,307
Pacific Cod (Jig)	600	267	172	192	169	71	71	166	156
Pacific Cod (H&L and Pot <60ft)									1,448
Pacific Cod (ICA - H&L and Pot)									364
Rock Sole	54,870	46,928	67,564	33,642	40,150	49,264	29,255	41,331	35,182
Squid	458	1,167	1,703	574	401	333	1,401	784	1,278
Yellowfin Sole	124,740	129,659	181,389	101,154	67,320	83,850	63,395	72,999	74,359
Bogoslof									
Pollock - Inshore	215	1	2	6	-				
Pollock - Offshore	49	388	161	2					
Pollock - AFA Offshore					1				
Pollock -AFA Mothership					-				
Pollock (Incidental Catch)					28	29	61	22	24

Table 3: Percent of TAC Harvested, 1995-2003

	1995	1996	1997	1998	1999	2000	2001	2002	10/25/2003
Bering Sea									
Other Rockfish	88%	45%	51%	60%	43%	74%	96%	130%	35%
Pacific Ocean Perch	65%	187%	34%	80%	32%	100%	60%	28%	98%
Nothern Rockfish								700%	63%
Sharpchin/Northern							956%		
Shortracker/Rougheye							42%	105%	80%
Other Red Rockfish	32%	19%	26%	43%	100%	148%			
Sablefish (Fixed Gear)	100%	115%	136%	86%	70%	69%	78%	91%	58%
Sablefish (Trawl)	37%	30%	12%	21%	48%	45%	53%	35%	16%
Greenland Turbot	126%	122%	80%	95%	102%	98%	81%	62%	101%
Pollock - Inshore	101%	102%	99%	99%	100%	99%	99%	100%	100%
Pollock - Offshore	101%	99%	99%	100%					
Pollock - AFA Offshore					100%	100%	99%	100%	100%
Pollock -AFA Mothership					102%	100%	99%	100%	100%
Pollock - ICA (non-Bogoslof)					88%	96%	98%	93%	92%
Aleutian Islands									
Other Rockfish	37%	39%	50%	63%	108%	97%	103%	90%	71%
Pacific Ocean Perch	98%								
Pacific Ocean Perch, East		106%	92%	65%	78%	67%	81%	75%	116%
Pacific Ocean Perch, Cent		96%	88%	79%	78%	68%	104%	99%	96%
Pacific Ocean Perch, West		111%	107%	91%	114%	85%	75%	89%	111%
Nothern Rockfish								58%	84%
Sharpchin/Northern	76%	150%	54%	102%	134%	99%	96%		
Shortracker/Rougheye	60%	100%	111%						
Shortracker/Rougheye (Trawl)				71%	54%	37%	81%	59%	38%
Shortracker/Rougheye (Non-Trawl)				102%	54%	94%	89%	45%	30%
Atka Mackerel, Eastern		106%	109%	85%	104%	88%	111%	91%	111%
Atka Mackerel, Eastern (Jig)				0%	0%	0%	0%	0%	0%
Atka Mackerel, Central		100%	103%	97%	104%	90%	98%	94%	94%
Atka Mackerel, Western		92%	92%	97%	63%	32%	71%	92%	96%
Sablefish (Fixed Gear)	77%	103%	107%	63%	66%	63%	64%	63%	49%
Sablefish (Trawl)	19%	7%	6%	4%	5%	6%	7%	6%	5%
Greenland Turbot	100%	86%	37%	16%	17%	36%	40%	18%	55%

Pollock - Inshore	95%	90%	85%	94%	0%				
Pollock - Offshore	126%	76%	101%	104%					
Pollock - AFA Offshore					9%				
Pollock - AFA Mothership					0%				
Pollock - Incidental Catch					830%	59%	44%	126%	162%
Bering Sea & Aleutians									
Alaska Plaice								119%	106%
Arrowtooth Flounder	91%	163%	57%	112%	9%	12%	74%	85%	120%
Atka Mackerel - Eastern	105%								
Atka Mackerel - Central	101%								
Atka Mackerel - Western	103%								
Flathead Sole	58%	68%	56%	29%	27%	45%	52%	71%	80%
Other Flatfish	104%	62%	53%	20%	12%	23%	42%	101%	97%
Other Species	111%	107%	97%	116%	67%	90%	113%	100%	76%
Pacific Cod (Trawl)	95%	86%							
Pacific Cod (Trawl -C/P)			94%	98%	99%	97%	95%	99%	98%
Pacific Cod (Trawl - C/V)			96%	98%	99%	99%	79%	101%	100%
Pacific Cod (Fixed Gear)	101%	92%	96%	101%	100%	101%			
Pacific Cod (HAL C/P)							100%	102%	79%
Pacific Cod (HAL C/V)							96%	84%	54%
Pacific Cod (Pot)							94%	107%	94%
Pacific Cod (Jig)	60%	27%	43%	50%	36%	12%	15%	55%	65%
Pacific Cod (H&L and Pot <60ft)									106%
Pacific Cod (ICA - H&L and Pot)									73%
Rock Sole	91%	79%	82%	40%	39%	43%	46%	90%	94%
Squid	54%	137%	86%	34%	24%	20%	84%	47%	76%
Yellowfin Sole	77%	76%	93%	54%	38%	80%	66%	100%	104%
Bogoslof									
Pollock - Inshore	72%	0%	1%	2%	0%				
Pollock - Offshore	9%	70%	29%	0%					
Pollock - AFA Offshore					0%				
Pollock -AFA Mothership					0%				
Pollock (Incidental Catch)					51%	3%	7%	24%	48%

If the Council elects to leave some underutilized species unallocated, under Amendment 80a, they will continue to be managed to ensure that the TAC is not exceeded. However, the management structure for those species will need to be defined. Should NOAA Fisheries open a directed fishery for any of these species, it would need to be closed with enough of the TAC remaining to cover the bycatch needs of other target fisheries that are expected to take place during the remainder of the year. Species that are on bycatch status throughout the year would need to be monitored to ensure that they are not being targeted and that the bycatch level are not approaching an overfishing level. The options under consideration would either manage the non-target species under the current management system (as discussed above) or by setting Incidental Catch Allowances (ICAs) for each of the sectors. The ICAs could be managed as either hard or soft caps. Where hard caps would close fisheries that take the ICA species as bycatch when their cap is reached. Soft caps would, restrict retention of a species once the cap is reached. If overfishing levels are approached, then fisheries could be closed. NOAA fisheries would be charged with determining the in-season catch levels and issuing the appropriate closure notices.

A decision will need to be made regarding open access fisheries if target fisheries are allowed for species that are not allocated to sectors. If open access fisheries are allowed, then the members of the various sectors potentially could harvest unallocated species in the "open access". Also, persons that hold a valid LLP that did not qualify for a sector could participate in the open access fishery. Alternatively, the Council could decide that all fisheries that are open to directed fishing would be assigned to sectors. If other fisheries are open to directed fishing in the future they could be allocated to sectors based on the same formula developed for the other species. Alternative allocation methods could also be developed, if the committee and Council feel that it appropriate.

Under the cooperative structure recommended by the committee, the disposition of groundfish species not allocated to the Non-AFA Trawl CP sector would be managed under the status quo. If the alternatives to manage unallocated species using ICAs under the sector allocations is selected, these structures tend to conflict with each other. The committee should provide to clarify for the Council on this apparent conflict.

Appendix D: Sector Descriptions for Amendment 80a

The amount of catch assigned to a sector is based on the catch made by all vessels operating in that mode and using the sector's gear type during the qualifying period. A vessel's catch history will be assigned to the sector whether they qualify for that in the future, or not. For example, a vessel that operated in the catcher/processor mode in the longline and pot fisheries would have the portion of their catch made with longline gear assigned to the longline catcher/processor sector and the portion of catch made with pot gear assigned to the pot catcher/processor sector. The vessel would then be required to meet the sector's minimum landings requirements to fish in the sector. If they do not meet the sector's minimum landings requirements, they could have contributed catch to the sector, but would not be allowed to harvest from the sector's allocation in the future. A discussion of the requirements for a vessel to qualify for the proposed sectors is presented in the table below.

Sector	Description
Non-AFA Trawl Catcher Processors	Includes trawl catcher/processor vessels that have harvested the required amount of BSAI groundfish, during the qualifying period, and are not listed by name in the AFA. This sector includes any catcher/processors that are not listed by name in the AFA, but are allowed to target less than 2,000mt of BSAI pollock. These factor trawlers have not historically processed more than incidental amounts of fillets. Generally, they are limited to headed and gutted products or kirimi, and focus their efforts on flatfish, Pacific cod, rockfish, and Atka mackerel.
AFA Trawl Catcher Processors	Includes vessels that are listed by name in the AFA as eligible to target BSAI pollock in the directed fishery. The Council will need to determine whether the catch of the 9 catcher/processors retired as part of the AFA and 3 surimi/fillet vessels that left the U.S. fisheries in 1997 will be included in this sector.
Non-AFA Trawl Catcher Vessels	Includes trawl catcher vessels that have met the sector's minimum landings requirements and are not AFA-eligible to participate in the directed BSAI pollock fishery.
AFA Trawl Catcher Vessels -	Includes all trawl catcher vessels that are issued an AFA permit making them eligible to target BSAI pollock.
Longline Catcher Processors -	These vessels meet the sector's minimum landings requirements when acting as a catcher/processor using longline gear Only vessels that hold a Pacific cod endorsement would be allowed to target Pacific cod in the future.

Sector	Description
Pot Catcher Processors -	These vessels meet the sector's minimum landings requirements when acting as a catcher/processor using pot gear. The vessels have been used primarily in the crab fishery of the North Pacific, but increasingly are participating in the Pacific cod fisheries. They generally use pot gear, but could have also used longline gear. Only vessels that hold a Pacific cod endorsement would be allowed to target Pacific cod in the future.
Pot Catcher Vessels	Includes all vessels greater than or equal to 60' LOA meeting the minimum landings requirements when acting as a catcher vessel using pot gear. Only vessels that hold a Pacific cod endorsement would be allowed to target Pacific cod in the future.
Longline Catcher Vessels	Includes all vessels greater than or equal to 60' LOA meeting the minimum landings requirements when acting as a catcher vessel using pot gear. Only vessels that hold a Pacific cod endorsement would be allowed to target Pacific cod in the future.
Jig Catcher Vessels	Includes all catcher vessels that harvested the sector's minimum landings requirement with jig gear.
<60' Hook-and-line/Pot Catcher Vessels	Includes all catcher vessels that are less than 60 LOA and meet the sector's minimum landings requirements using pot or hook-and-line gear.

AGENDA C-3
Supplemental
DECEMBER 2003

Groundfish Forum

4241 21st Avenue West, Suite 200
Seattle, WA 98199
(206) 213-5270 Fax (206) 213-5272
www.groundfishforum.org

December 3, 2003

Ms. Stephanie Madsen, Chair
North Pacific Fisheries Management Council
605 W. 4th Ste 306
Anchorage, AK 99501-2252

Re: Agenda Item C-3: IR/IU

Madam Chair,

Groundfish Forum is a consortium of 15 'head and gut' factory trawlers operating in the Bering Sea, Aleutian Islands and Gulf of Alaska. Our members participate in multi-species non-pollock fisheries, and are among those most strongly impacted by 'Improved Retention/Improved Utilization' (IR/IU) regulations.

We are writing in support of the IR/IU Technical Committee's recommendations for proposed Amendments 80a and 80b (sector allocations and multi-species cooperatives) to the BSAI Fisheries Management Plans, as outlined at its November 2003 meeting. While we do not agree with all of the options presented, we feel that the committee has done a good job of including the necessary elements from which to craft a reasonable and fair BSAI non-pollock sector split and coop program.

In particular, we strongly endorse the recommendation to remove options which use TAC in the denominator for allocation of catch history. For any fishery that has not taken all of the TAC in the years chosen, this would create unallocated TAC. The report "Sector Allocations using TAC as Denominator," prepared by Council staff and presented at the October Council meeting, clearly shows that this would create serious problems which could both prevent the existing participants from harvesting their traditional share of the catch and leave a significant amount of fish unharvested.

As the Allowable Biological Catches (ABCs) for many species have increased and markets have been developed for previously underutilized targets, fisheries have been increasingly constrained by the 2.0 million ton 'Optimum Yield' cap in the BSAI. The total catch is approaching the cap and there simply is no 'slack' available to accommodate unallocated shares. Even fisheries that used to harvest only a portion of the TAC are now fully utilized, as seen in the attached Catch Report for November 22, 2003 from the National Marine Fisheries Service.

If the Council opts to assign history based on past years (when catch was less than TAC), the TAC would then have to be set high enough to both accommodate the past underharvest (the unallocated portion) and allow the current harvest to continue. As stated before, there is no room under the existing OY cap to accomplish this without taking fish away from current participants in fully utilized fisheries.

Further, creating an unallocated portion of the TAC would be contrary to the goals of rationalization. It would either bring in more effort (in the form of new entrants) or allow the race for fish to continue as vessels compete to get this unallocated share. And, since these are all multi-species fisheries, there is a very high likelihood of creating stranded TAC ('squid boxes') where there is not enough PSC or ancillary species to allow the TAC to be harvested.

In short, using TAC as the denominator for the assignment of catch history not only harms existing participants, it does not create a benefit.

If the intent of the Council is to provide alternatives for existing participants as stock sizes (and the associated ABCs and TACs) fluctuate, there may be other means to achieve this. We suggest further evaluation of the committee's suggestion to set threshold levels for the TAC of species or species groups above which they may be considered 'underutilized' and the surplus TAC may be available for harvest by other sectors which have the necessary PSC and incidental catch to do so. We would be happy to work with the Council or the Committee to develop such a program.

We also encourage the Council to eliminate up front options which are obviously unreasonable and will unnecessarily burden the staff analysts. Examples of this are the 20% CDQ set-aside (Component 3) and reducing the PSC apportionments to 60% or 75% (Component 11).

Further, Option 11.2 (allocating PSC in proportion to the historical initial pre-season fisheries group apportionment) is unreasonable and will only use up valuable staff time. These initial amounts are subsequently re-distributed based on the needs of each sector and target fishery, just as unused target apportionment can be re-distributed. The initial allocation is irrelevant when deciding on sector apportionments.

Thank you for the opportunity to comment on this issue. We remain committed to working with the Council to achieve a fair, efficient and conservative plan for rationalization of the Bering Sea/Aleutian Island multi-species fisheries.

Sincerely,

T. Edward Luttrell
Executive Director

Attachment

Bering Sea Aleutian Islands Catch Report

Through: 22-NOV-03

National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting

Bering Sea

Seasons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Other Rockfish	333	888	555	38%	1
	Pacific Ocean Perch	1,180	1,199	19	98%	0
	Northern Rockfish	72	112	40	64%	0
	Shortraker/Rougheye Rockfish	104	126	22	82%	0
	Sablefish (Hook-and-Line and Pot)	696	1,159	463	60%	3
	Sablefish (Trawl)	196	1,233	1,037	16%	0
	Greenland Turbot	2,337	2,278	-59	103%	2
X	Pollock, AFA Inshore	652,880	653,047	167	100%	0
X	Pollock, AFA Catcher Processor	522,432	522,437	5	100%	0
X	Pollock, AFA Mothership	130,564	130,609	45	100%	0
	Pollock, Incidental Catch, non-Bogoslof	34,776	36,490	1,714	95%	277
	Pollock, Incidental Catch, Bogoslof	24	50	26	49%	0

Aleutian Islands

Seasons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Other Rockfish	385	539	154	71%	0
	Pacific Ocean Perch, Eastern	3,767	3,238	-529	116%	0
	Pacific Ocean Perch, Central	2,966	3,090	124	96%	0
	Pacific Ocean Perch, Western	6,027	5,411	-616	111%	0
	Northern Rockfish	4,581	5,438	857	84%	0
	Shortraker/Rougheye Rockfish (Trawl)	205	538	333	38%	0
	Shortraker/Rougheye Rockfish (Non Trawl)	69	230	161	30%	0
X	Atka Mackerel, Eastern (Other Gear)	10,880	9,753	-1,127	112%	1
	Atka Mackerel, Eastern (Jig)	0	99	99	0%	0
X	Atka Mackerel, Central	25,434	27,158	1,724	94%	0
X	Atka Mackerel, Western	17,767	18,491	724	96%	0
	Sablefish (Hook-and-Line and Pot)	961	1,860	899	52%	0
	Sablefish (Trawl)	35	659	624	5%	0
	Greenland Turbot	616	1,122	506	55%	0
	Pollock, Incidental Catch	1,653	1,000	-653	165%	3

Bering Sea Aleutian Islands

Seasons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Alaska Plaice	9,778	9,250	-528	106%	0
	Arrowtooth Flounder	12,643	10,200	-2,443	124%	29
	Flathead Sole	13,756	17,000	3,244	81%	7

Note: All weights are in metric tons.

Report run on: November 28, 2003 6:15 AM

Bering Sea Aleutian Islands Catch Report

Through: 22-NOV-03

National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting

Bering Sea Aleutian Islands

Sea-sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Other Flatfish	2,747	2,775	28	99%	2
X	Pacific Cod, Catcher Processor (Trawl)	24,462	29,886	5,424	82%	322
X	Pacific Cod, Catcher Vessel (Trawl)	33,486	34,105	619	98%	0
X	Pacific Cod, Catcher Processor (Hook-and-Line)	43,434	39,105	-4,329	111%	0
X	Pacific Cod, Catcher Vessel (Hook-and-Line)	88,561	98,811	10,250	90%	2,070
X	Pacific Cod (Pot)	295	492	197	60%	27
X	Pacific Cod (Jig)	18,388	17,322	-1,066	106%	155
	Pacific Cod (Hook-and-Line and Pot < 60 ft)	156	239	83	65%	0
	Pacific Cod, Incidental Catch (Hook-and-Line and Pot)	1,448	1,363	-85	106%	0
	Rock Sole	392	500	108	78%	3
	Squid	35,326	37,400	2,074	94%	1
	Yellowfin Sole	1,273	1,675	402	76%	0
Total:		74,399	71,188	-3,211	105%	6
		1,781,484	**1,799,565**	**18,081**	**99%**	**2,909**

This report includes CDQ total catch of squid and ICA pollock. The remaining CDQ allocated catch may be found in the CDQ reports.

Other gear in the Atka mackerel fishery includes all authorized gear types except jig.

Other flatfish: all flatfish species, except for Pacific halibut, flathead sole, Greenland turbot, rock sole, yellowfin sole, arrowtooth flounder, and Alaska plaice.

Other rockfish: all Sebastes and Sebastolobus species except for Pacific ocean perch, northern, shortraker, and rougheye rockfish.

Other species: sculpins, sharks, skates and octopus.

Note: All weights are in metric tons.

Report run on: November 28, 2003 6:15 AM

Jorn Kvinge
2321 Windjammer ct NW
Olympia WA 98502

December 1, 2003

North Pacific Fishery Management Council

RE: Agenda C-3 Reduce crab bycatch.

Stephanie Madsen, Chair:

I am the Captain of the crab vessel Arctic Sea and also a board member of ACC. I have spent 25 years fishing crab in the Bering Sea.

Both Bairdi and Opilio crab stocks are at historic lows. The Bairdi fishery has not been open since 1997, however it is making a come back that could allow a fishery very soon. The 2003 survey shows we are only 200,000 lb. short of the minimum threshold for a fishery. The Bairdi bycatch was over 1 million animals in 2002. It is not difficult to see that the minimum threshold could of been met this year with a reduced bycatch.

From 1998-2002 the total Bairdi bycatch was over 5 million animals.

It is very difficult for crab fishermen to continue to accept not having a fishery because of bycatch from another gear group.

I would urge the Council to to reduce the bycatch caps on both Bairdi and Opilio to a level that does not impact the stocks.

Sincerely, Jorn Kvinge

AGENDA C-3
Supplemental
DECEMBER 2003

FISHING VESSEL OWNERS' ASSOCIATION
INCOPORATED

ROOM 232, WEST WALL BUILDING • 4005 20TH AVE. W.
SEATTLE, WASHINGTON 98199-1290
PHONE (206) 284-4720 • FAX (206) 283-3341

SINCE 1914

December 5, 2003

Mr. Chris Oliver
Executive Director
North Pacific Fishery Management Council
605 W. 4th Ave., #306
Anchorage, AK 99501-2252

RE: **Agenda Item C-3 IR/IU**

Request to the Council:

Explanation: The sector allocation proposal, **Amendment 80.a** contains meaningful and specific PSC reduction options for crab and halibut species. However, the rationalization proposal, Amendment 80.b does not contain meaningful reduction options for either crab or halibut. **Therefore our request is for the Council to include the same PSC reduction options from Amendment 80.a into Amendment 80.b.**

There is a tremendous opportunity to maximize the different target species in the Bering Sea and have a savings on different PSC species, such as halibut and crab.

FVOA requests that the same range of bycatch reduction options that currently apply to Amendment 80.a be made part of the option in Amendment 80.b. The Council has advertised IR/IU as an effort in rationalization that would address PSC discards. Without this change the option to address PSC reduction will be greatly minimized. The options should range from 5% to 40%. We would suggest an option that provides stepped reduction over time.

Sincerely,

Robert D. Alverson
Manager

RDA:cb

Subject: [Fwd: Legal opinion – AFA sections 209 and 211]
Date: Mon, 19 May 2003 09:08:31 -0800
From: "Lisa Lindeman" <Lisa.Lindeman@noaa.gov>
Organization: NOAA Fisheries
To: John Lepore <John.Lepore@noaa.gov>, Jonathan Pollard <Jonathan.Pollard@noaa.gov>

Did I give you a copy of this?

Subject: Legal opinion – AFA sections 209 and 211
Date: Mon, 17 Mar 2003 10:59:19 -0900
From: Lisa Lindeman <lisa.lindeman@noaa.gov>
Organization: NOAA Fisheries
To: Kent Lind <kent.lind@noaa.gov>
CC: Jim Balsiger <Jim.Balsiger@noaa.gov>, Ron Berg <Ron.Berg@noaa.gov>, Sue Salveson <Sue.Salveson@noaa.gov>, Jane Chalmers <Jane.Chalmers@noaa.gov>, Records FAKR <Records.fakr@noaa.gov>, Jeff Hartman <Jeff.Hartman@noaa.gov>

You have asked NOAA-GC whether the owners of the 20 catcher/processors listed in section 208(e) of the American Fisheries Act (AFA) can claim the non-pollock catch history of the nine catcher/processors that were retired under section 209 of the AFA for the purpose of making multi-species sector and/or coop allocations in the BSAI.

We've looked at the statute, the purpose of the AFA, and the legislative history. Section 209 of the AFA extinguished the pollock and non-pollock catch history of the nine retired vessels for purposes of any present or future limited access system. We believe the twenty catcher/processors cannot claim the non-pollock catch history of the nine retired vessels for any limited access system they are developing. Section 211 is the "catcher/processor restrictions" section. It establishes a cap on the amount of non-pollock harvest the twenty catcher/processors can take, and the cap includes the catch history of the nine retired vessels. Section 211 is intended to protect non-AFA vessels from competition from the AFA-eligible vessels participating in coops. It is not intended as an allocation.

PUBLIC TESTIMONY SIGN-UP SHEET FOR AGENDA ITEM C-3 IRIU

	NAME (PLEASE PRINT)	AFFILIATION
1	Dave Fraser	Muir Milach
2	Bob Alverson	FVOA-Seattle
3	~~John Henderschedt~~	~~Premier Pacific Seafoods~~ DEPARTED
4	Brent Paine	UCB
5	Donna Parker	Arctic Storm
6	Myron Melovidov / Steve Minor	St. Paul / CBSFA
7	Jeff Stephan	UFMA
8	Gerry Merrigan	Prowler Fisheries
9	Arni Thomson	ACC
10	Thorn Smith	NPCA
11	Susan Robinson	Fishermen's Finest
12	Paul MacGregor / Trevor McCabe	At Sea Processors
13	Michele Ridgway	
14	Ed Luttrell / Lori Swanson	Groundfish Forum
15		
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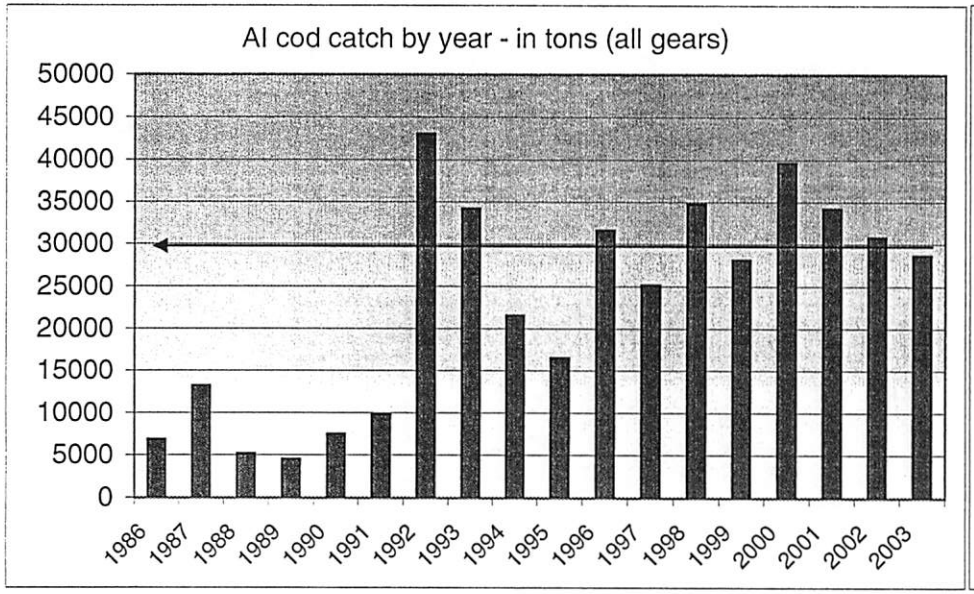
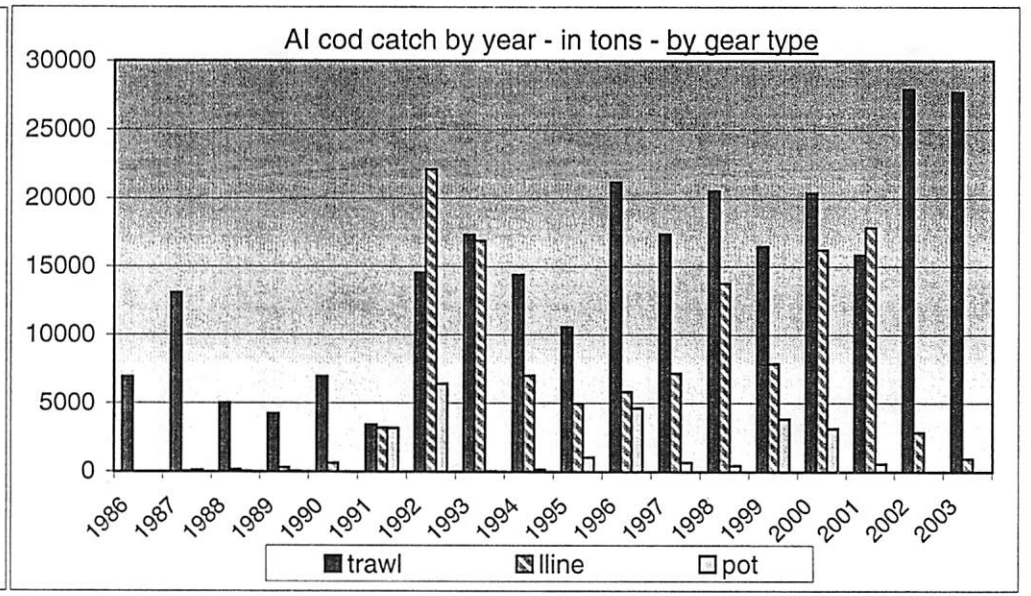
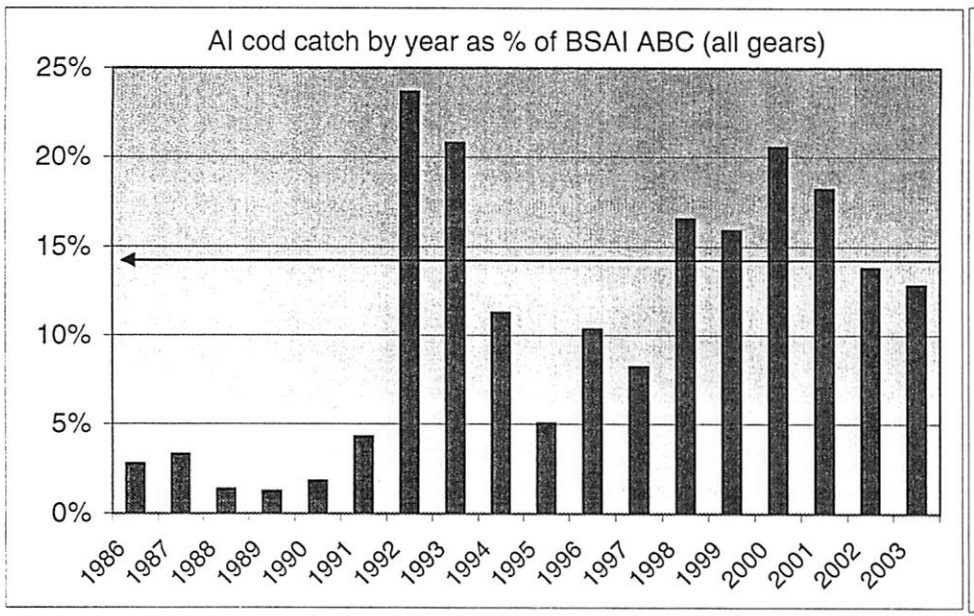
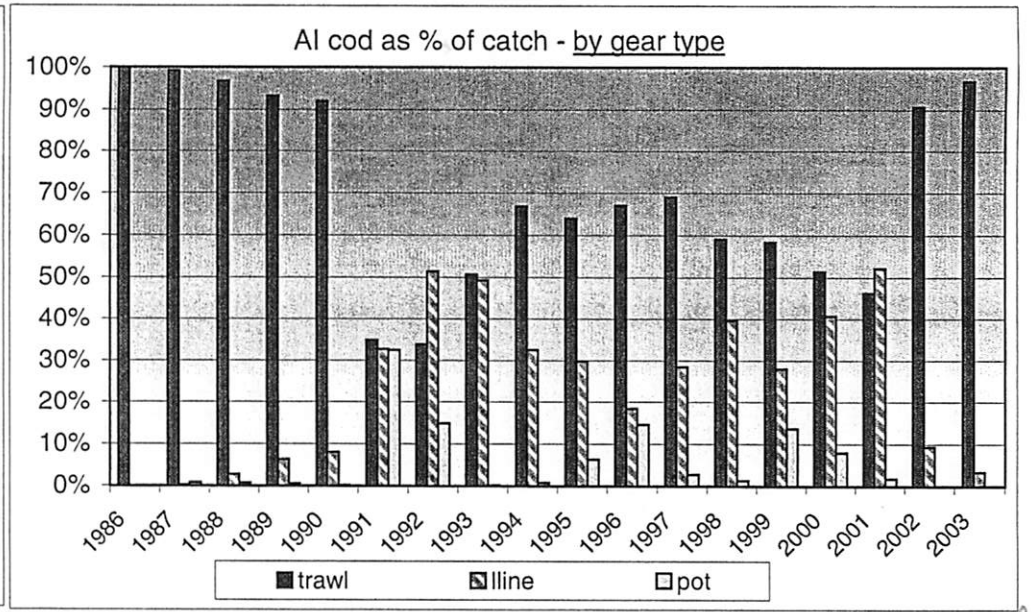
NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person " to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not 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.









C-3
Dave
Fraser

W170°

C-3
Steve Minor

CENTRAL BERING SEA FISHERMEN'S ASSOCIATION

Post Office Box 288 ▲ St. Paul Island, Alaska 99660 ▲ Phone (907) 546-2597 ▲ Fax (907) 546-2450

December 3, 2003

Chris Oliver, Executive Director
North Pacific Fishery Management Council
605 West 4th St, Suite 306
Anchorage, Alaska 99501-2252

Re: **Agenda Item C-3 – IR/IU**
Components and Options for Amendment 80.a – 80.b

The Pribilof Island community of St. Paul is almost entirely dependent on the Bering Sea crab and halibut resources. Both crab and halibut are also significant PSC issues in the IR/IU process and deserve a substantial role in the proposed analysis.

Amendment 80.a contains some specific PSC reduction options. Amendment 80.b, however, does not contain meaningful reductions for either crab or halibut. On behalf of the community of St. Paul Island we respectfully request that the NPFMC add the following elements to the analysis:

1. Zone 1 Red King Crab: That the bycatch cap be reduced by a minimum 25%.

The average observed bycatch level for red king crab between 1995 and 2002 has been just 70% of the regulatory cap. Our proposal would reduce the bycatch cap to a level that is still slightly above the average observed bycatch, creating no undue burden on current participants.

2. Zone 1 Bairdi: That the bycatch cap be reduced by a minimum 25%.

The average observed Bairdi bycatch in Zone 1 for the period 1995-2002 has been 70% of the regulatory cap; as with Zone 1 Red King Crab, we believe there is room for a substantial bycatch reduction without placing any burden on current participants.

3. Zone 2 Opilio: That the bycatch of Opilio be reduced by a minimum 50%.

The average observed Opilio bycatch for the period 1998-2002 has been just 37% of the regulatory cap; therefore, a significant reduction should be possible without any burden to the current participants.

4. Zone 2 Bairdi: That the bycatch cap be reduced by a minimum 50%.

The average observed bycatch of Zone 2 Bairdi has been just 37% of the regulatory cap for the periods 1998-2002; therefore, a significant reduction in the bycatch cap should be possible without any burden to current participants.

5. Amend 80.b Component 2, Option 2.3 (Halibut PSC) to Analyze a Bycatch Reduction Range of between 5% and 40%.

The proposed 5% reduction in the current motion is so small as to be almost meaningless. Given the significant dependence (on halibut) of the Area 4C fishermen and fleets of the Pribilof Islands, we ask that the NPFMC examine more meaningful halibut bycatch reductions than the current proposal.

6. Add a new Pribilof Islands Halibut Bycatch Reduction Zone Proposal to the Analysis.

In an attempt to balance the dependence of the local small vessel fleet operating in and around the Pribilof Islands with the economic dependence of the larger non-resident commercial fleet, we ask that the NPFMC analyze the establishment of a sector-specific Pribilof Islands Bycatch Reduction Zone extending 60 nautical miles in all directions from the center of St. Paul Island. Under this proposal, within the zone, no more than (range: 10% - 30%) of a sectors Bering Sea halibut bycatch could be taken.

Respectfully submitted,

Myron Melovidov, Chairman
Central Bering Sea Fishermen's Associations

C-3
Anne Thomson

Alaska Crab Coalition

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December 4, 2003

Stephanie Madsen, Chair
North Pacific Fishery Management Council
605 West 4th St. Ste. 306
Anchorage, Alaska 99501-2252

RE: AGENDA ITEM C-3c, IR/IU, AMENDMENT 80A, AND 80B, MULTI-SPECIES CO-OPS, CRAB BYCATCH REDUCTION PROPOSALS FOR BSAI GROUNDFISH RATIONALIZATION

RECOMMENDATION: *From the NPFMC motion of October 2003, IR/IU and related amendments. Components and Options for Amendment 80.a—BSAI Sector Allocations, pages 4-5, Issue 3: Sector allocations of Prohibited Species Catch Limits, reduction of PSC limits, Suboptions 12.1.1 through 12.1.5 (options of 5% up to 40% reduction) ---Insert these same suboptions for reduction of PSC limits for crab and halibut into Amendment 80.b—Establishment of a Non-AFA Trawl CP Cooperative Program, page 8, Component 2: Establishes procedures for reducing prohibited species catch limits for the non-AFA Trawl CPs Sector.*

Explanation: The sector allocation proposal, **Amendment 80.a** contains meaningful and specific PSC reduction options for crab and halibut species. However, the rationalization proposal, **Amendment 80.b** does not contain meaningful reduction options for either crab or halibut. **Therefore this recommendation simply requests that the Council include the same PSC reduction options from Amendment 80.a into Amendment 80.b.**

Background: The ACC submitted crab bycatch reduction proposal options at the June 2003 Council meeting , requesting that the NPFMC consider reducing bycatch caps within the framework of BSAI multi-species groundfish rationalization proposals. Previous ACC recommendations have called for reduction of bycatch below observed levels, while this revised proposal simply requests the NPFMC to reduce the caps to levels where they have the potential for constraining excess bycatch. At present there are large surpluses in the caps that result in the caps being non-constraining in nature.

Crab bycatch caps are based on the total abundance of the crab populations, that can be adjusted as populations go through frameworked, stair-step cyclical fluctuations. NMFS PSC bycatch reports illustrate that the majority of king and tanner crab bycatch is taken in the non-pollock catcher processor trawl fisheries for rock sole, yellowfin sole and Pacific cod in the Eastern Bering Sea.

Refined recommendations and rationale for ACC recommendations:

1. **New tables need to be added to the analysis** (similar to the NMFS bulletin board tables) that show the fishery by fishery observed bycatch in the multi-species groundfish fisheries, along with the fishery caps and the percentages of the caps that are utilized on an annual basis. The tables in

the analysis only show general percentages of bycatch----and do not present a clear picture of bycatch on a fishery by fishery, PSC by PSC, and statistical area identification basis.

2. **Zone 1**, bairdi and red king crab bycatch cap reduction proposals:

   - **Bairdi:** Amend the bairdi crab bycatch cap to a level equivalent to the average observed bycatch for the period 1995-2002 in catcher processor trawl rock sole, yellowfin sole and Pacific cod fisheries. **The average observed bycatch level of bairdi in the trawl fisheries from 1995-2002, has been 70% of the regulatory cap.** The cap has ranged from 675,000 to 1 million animals per year, while the observed bycatch has ranged from 318,000 to 840,000 animals per year, an average of 70% of the cap. The only year the cap has been attained is in 1997.

   - **Red king crab:** Amend the king crab bycatch cap to a level equivalent to the average observed bycatch for the period 1995-2002 in the catcher processor trawl rock sole, yellowfin sole and Pacific cod fisheries. **The average observed bycatch of red king crab in the trawl fisheries from 1995-2002, has been 70% of the regulatory cap.** The only year the cap has been attained is in 2002. The cap has ranged from 89,000 to 200,000 animals per year, while the observed bycatch has ranged from 18,000 to 89,000 animals per year.

3. **Zone 2,** bairdi bycatch cap reduction:

   - Bairdi: Amend the cap for bairdi in Zone 2 to the average observed bycatch level for the period 1995-2002, in the H & G catcher processor, trawl rock sole, yellowfin sole and Pacific cod fleet. **The average observed bycatch level for the period 1995-2002 was 36% of the regulatory cap.** The cap for bairdi in Zone 2 has never been attained. The abundance based cap has ranged from 1.7 million to 3 million animals per year, while observed bycatch has ranged from 500,000 to 1.288 million animals, on average, only 36% of the cap.

4. **COBLZ, (c. opilio bycatch limitation zone)** opilio (snow) crab bycatch cap reduction:

   - Opilio (snow crab): Amend the cap for snow crab in the COBLZ, to the average observed bycatch level for the period 1998-2002, in the catcher processor, trawl rock sole, yellowfin sole and Pacific cod fleet. **The average observed bycatch level for the period 1998-2002 has been 37% of the regulatory cap.** The cap has hovered around 4 million animals per year, while the observed bycatch has ranged from 659,000 animals to 2.6 million animals, on average, only 37% of the cap.

Additional rationale for bycatch reduction recommendations:
The Pollock industry has demonstrated how a large scale trawl fishery can dramatically reduce the bycatch of crab and other PSCs under a rights-based management program. Similarly, the multi-species catcher processor groundfish fleet during VBA committee discussions revolving around an effort to develop individual vessel bycatch accounts in 1997 and 1998, stated that it could reduce bycatch of PSCs by as much as 30 per cent under a rights-based management program.

The NMFS bycatch reports show that the AFA pollock fishery accounted for an average of 10 per cent of the Bristol Bay king crab bycatch during during the period 1995-2002 (since implementation of the AFA it has dropped to less than 1 per cent); 3.3 per cent of bairdi in Zone 1; 1.4 per cent of bairdi in Zone 2; and .5 per cent of snow crab crab bycatch.

In closing, it is important to note that the crab fleet has had no directed, or bycatch fishery for bairdi since 1997. The fishery has been closed for conservation and rebuilding

The 2003 survey shows that the abundance of mature female biomass is now at 20.8 million pounds, just 200,000 pounds short of the minimum stock threshold for a fishery opening. Trawl fisheries are being allocated almost 4 million animals per year, and despite industry claims of trawl bycatch being non-significant, it is readily apparent that trawl bycatch has become an impediment to the reopening of the directed bairdi fishery.

Sincerely,

Arni Thomson

Arni Thomson
Executive Director
Alaska Crab Coalition

Subject: BYCATCH PSCs ANNUAL SUMMARIES IN BSAI TRAWI FISHERIES

NMFS ANNUAL BSAI TRAWL PSC BYCATCH SUMMARIES FOR CRAB, 2002 - 1995.

SPECIES NUMBERS, ARE OBSERVER-BASED ESTIMATED NUMBERS OF CRAB CAUGHT IN TRAWL FISHERIES, CAPS ARE THE REGULATION CAPS PER FISHERY AND THE % REPRESENTS THE PER CENT OF CRABS CAUGHT RELATIVE TO THE CAP. IN THE CASE OF BAIRDI AND OPILIO CRABS IT ILLUSTRATES THE NON-CONSTRAINING NATURE OF THE CAPS, WHICH ARE DESIGNED IN THEORY TO RESTICT BYCATCH IN FISHERIES. ONLY THE BRISTOL BAY KING CRAB CAP IS CONSTRAINING. THE OTHER CRAB CAPS HAVE SUBSTANTIAL SURPLUS CUSHIONS. ALL THE CRAB CAPS ARE LINKED TO SURVEY BIOMASS ESTIMATES AND THEY ARE ADJUSTED AT THRESHOLD POINTS. THE BBRKC CAP WAS REVISED IN 1997 FROM 200,000 TO 100,000. THE OPILIO CAP WAS IMPLEMENTED IN 1998. THERE IS AN OPPORTUNITY TO REDUCE THESE CAPS WITH RATIONALIZATION OF THE BSAI GROUNDFISH FISHERIES WITH COOPERATIVES. OTHERWISE THE CAPS COULD BECOME INSTITUTIONALIZED AS TRANSFERRABLE COOP OR ITQ PSC QUOTAS ALONG WITH TARGET FISHERY QUOTAS IN THE TRAWL FISHERIES. THE SAME WILL APPLY FOR HALIBUT.

NMFS/AKR
01/23/03
14:51:01

2002 BERING SEA/ALEUTIAN ISLANDS FISHERIES
PROHIBITED SPECIES BYCATCH
Week Ending: 12/31/02

TRAWL BAIRDI TANNER CRAB

	ZONE 1			ZONE 2		
Fishery group	Crabs (#'s)	Cap (#'s)	%	Crabs (#'s)	Cap (#'s)	%
Rock sole/Other flatfish	286,732	365,320	78%	262,602	596,154	44%
Pacific cod	143,754	183,112	79%	88,502	324,176	27%
Yellowfin sole	26,014	340,844	8%	268,490	1,788,459	15%
Pollock/AMCK/Other species	1,464	17,224	8%	860	27,473	3%
Rockfish	0	0	0%	49	10,988	0%
GTRB/ARTH/SABL	0	0	0%	5,291	0	0%
Total	457,964	906,500	51%	625,793	2,747,250	23%

TRAWL C. OPILIO TANNER CRAB in the COBLZ AREA (C OPILIO BYCATCH LIMITATION ZONE)

Fishery group	Crabs (#'s)	Cap (#'s)	%
Rock sole/Other flatfish	106,763	969,130	11%
Pacific cod	93,923	124,736	75%
Yellowfin sole	680,476	2,776,981	25%
Pollock/AMCK/Other species	1,636	72,428	2%
Rockfish	0	40,237	0%
GTRB/ARTH/SABL	170	40,238	0%
Total:	882,967	4,023,750	22%

TRAWL RED KING CRAB

Fishery group	ZONE 1 Crabs (#'s)	ZONE 1 Cap (#'s)	ZONE 1 %
Rock sole/Other flatfish	62,073	59,782	104%
Pacific cod	12,735	11,664	109%
Yellowfin sole	15,146	16,664	91%
Pollock/AMCK/Other species	1	1,615	0%
Total:	89,955	89,725	100%

NMFS/AKR
04/03/02
09:21:00

2001 BERING SEA/ALEUTIAN ISLANDS FISHERIES
PROHIBITED SPECIES BYCATCH
Week Ending: 12/31/01

TRAWL BAIRDI TANNER CRAB

Fishery group	ZONE 1 Crabs (#'s)	ZONE 1 Cap (#'s)	ZONE 1 %	ZONE 2 Crabs (#'s)	ZONE 2 Cap (#'s)	ZONE 2 %
Rock sole/Other flatfish	146,255	272,126	54%	399,608	415,501	96%
Pacific cod	44,842	136,400	33%	25,417	225,941	11%
Yellowfin sole	122,383	253,894	48%	202,292	1,246,502	16%
Pollock/AMCK/Other species	4,705	12,830	37%	196	19,148	1%
Rockfish	0	0	0%	0	7,658	0%
GTRB/ARTH/SABL	0	0	0%	4,633	0	0%
Total:	318,185	675,250	47%	632,146	1,914,750	33%

TRAWL C. OPILIO TANNER CRAB in the COBLZ AREA

Fishery group	Crabs (#'s)	Cap (#'s)	%
Rock sole/Other flatfish	483,235	469,130	103%
Pacific cod	8,330	524,736	2%
Yellowfin sole	799,646	2,876,981	28%
Pollock/AMCK/Other species	1,932	72,428	3%
Rockfish	0	40,237	0%
GTRB/ARTH/SABL	0	40,238	0%
Total:	1,293,143	4,023,750	32%

TRAWL RED KING CRAB

Fishery group	ZONE 1 Crabs (#'s)	ZONE 1 Cap (#'s)	ZONE 1 %
Rock sole/Other flatfish	26,105	64,782	40%
Pacific cod	1,742	11,664	15%
Yellowfin sole	30,601	11,664	262%
Pollock/AMCK/Other species	104	1,615	6%
Total:	58,552	89,725	65%

NMFS/AKR
01/05/01
09:05:49

2000 BERING SEA/ALEUTIAN ISLANDS FISHERIES
PROHIBITED SPECIES BYCATCH
Week Ending: 12/31/00

TRAWL BAIRDI TANNER CRAB

Fishery group	ZONE 1 Crabs (#'s)	ZONE 1 Cap (#'s)	ZONE 1 %	ZONE 2 Crabs (#'s)	ZONE 2 Cap (#'s)	ZONE 2 %
Rock sole/Other flatfish	192,852	309,326	62%	200,639	504,894	40%
Pacific cod	55,379	154,856	36%	26,484	275,758	10%
Yellowfin sole	82,124	288,750	28%	422,348	1,514,683	28%
Pollock/AMCK/Other species	69	14,818	0%	1,464	25,641	6%
Rockfish	0	0	0%	28	10,024	0%
GTRB/ARTH/SABL	0	0	0%	7,633	0	0%
Total:	330,424	767,750	43%	658,597	2,331,000	28%

TRAWL C. OPILIO TANNER CRAB in the COBLZ AREA

Fishery group	Crabs (#'s)	Cap (#'s)	%
Rock sole/Other flatfish	224,124	869,934	26%
Pacific cod	50,245	123,529	41%
Yellowfin sole	1,927,702	2,876,579	67%
Pollock/AMCK/Other species	5,208	71,622	7%
Rockfish	0	41,043	0%
GTRB/ARTH/SABL	0	41,043	0%
Total:	2,207,279	4,023,750	55%

TRAWL RED KING CRAB

Fishery group	ZONE 1 Crabs (#'s)	ZONE 1 Cap (#'s)	%
Rock sole/Other flatfish	53,389	64,755	82%
Pacific cod	4,379	11,656	38%
Yellowfin sole	13,020	11,655	112%
Pollock/AMCK/Other species	0	1,660	0%
Total:	70,787	89,726	79%

NMFS/AKR
04/19/00
12:13:48

1999 BERING SEA/ALEUTIAN ISLANDS FISHERIES
PROHIBITED SPECIES BYCATCH
Week Ending: 12/31/99

TRAWL BAIRDI TANNER CRAB

Fishery group	ZONE 1 Crabs (#'s)	ZONE 1 Cap (#'s)	%	ZONE 2 Crabs (#'s)	ZONE 2 Cap (#'s)	%
Rock sole/Other flatfish	132,217	279,528	47%	178,235	376,274	47%
Pacific cod	79,148	139,950	57%	34,789	205,528	17%
Yellowfin sole	148,515	260,894	57%	284,131	1,128,824	25%
Pollock/AMCK/Other species	665	13,378	5%	3,204	19,146	17%
Rockfish	0	0	0%	0	7,378	0%
GTRB/ARTH/SABL	0	0	0%	1,381	0	0%
Total:	360,546	693,750	52%	501,741	1,737,150	29%

TRAWL C. OPILIO TANNER CRAB in the COBLZ AREA

Fishery group	Crabs (#'s)	Cap (#'s)	%
Rock sole/Other flatfish	256,443	766,552	33%
Pacific cod	22,390	127,758	18%
Yellowfin sole	378,964	3,108,786	12%
Pollock/AMCK/Other species	1,370	74,234	2%
Rockfish	0	42,585	0%
GTRB/ARTH/SABL	0	42,585	0%
Total:	659,167	4,162,500	16%

TRAWL RED KING CRAB

Fishery group	ZONE 1 Crabs (#'s)	ZONE 1 Cap (#'s)	ZONE 1 %
Rock sole/Other flatfish	62,456	103,950	60%
Pacific cod	7,752	14,850	52%
Yellowfin sole	12,774	19,800	65%
Pollock/AMCK/Other species	91	1,850	5%
Total:	83,073	140,450	59%

NMFS/AKR
08/14/00
14:05:23

1998 BERING SEA/ALEUTIAN ISLANDS FISHERIES
PROHIBITED SPECIES BYCATCH
Week Ending: 12/26/98

TRAWL BAIRDI TANNER CRAB

Fishery group	ZONE 1 Crabs (#'s)	ZONE 1 Cap (#'s)	ZONE 1 %	ZONE 2 Crabs (#'s)	ZONE 2 Cap (#'s)	ZONE 2 %
Rock sole/Other flatfish	247,263	273,848	90%	199,613	330,225	60%
Pacific cod	65,205	123,232	53%	38,633	180,375	21%
Yellowfin sole	233,743	255,592	91%	616,507	990,675	62%
Pollock/AMCK/Other species	17,816	41,077	43%	37,461	434,750	9%
Rockfish	0	0	0%	699	6,475	11%
GTRB/ARTH/SABL	0	0	0%	1,900	0	0%
Total:	564,028	693,749	81%	894,814	1,942,500	46%

TRAWL C. OPILIO TANNER CRAB in the COBLZ AREA

Fishery group	Crabs (#'s)	Cap (#'s)	%
Rock sole/Other flatfish	408,997		
Pacific cod	49,780		
Yellowfin sole	2,057,426		
Pollock/AMCK/Other species	81,986		
Rockfish	0		
GTRB/ARTH/SABL	324		
Total:	2,598,512	4,304,950	60%

TRAWL RED KING CRAB — ZONE 1

Fishery group	Crabs (#'s)	Cap (#'s)	%
Rock sole/Other flatfish	15,008	69,375	22%
Pacific cod	3,015	6,938	43%
Yellowfin sole	6,194	9,250	67%
Pollock/AMCK/Other species	13,950	6,938	201%
Total:	38,167	92,501	41%

NMFS/AKR
01/08/98
18:06:30

1997 BERING SEA/ALEUTIAN ISLANDS FISHERIES
PROHIBITED SPECIES BYCATCH
Week Ending: 12/31/97

TRAWL BAIRDI TANNER CRAB

Fishery group	ZONE 1 Crabs (#'s)	ZONE 1 Cap (#'s)	ZONE 1 %	ZONE 2 Crabs (#'s)	ZONE 2 Cap (#'s)	ZONE 2 %
Rock sole/Other flatfish	341,768	296,052	115%	131,779	357,000	37%
Pacific cod	189,577	133,224	142%	86,758	195,000	44%
Yellowfin sole	278,973	276,316	101%	830,980	1,071,000	78%
PLCK/AMCK/OTHER	10,854	44,408	24%	12,749	470,000	3%
Rockfish	0	0	0%	352	7,000	5%
GTRB/ARTH/SABL	0	0	0%	0	0	0%
Total:	821,173	750,000	109%	1,062,618	2,100,000	51%

TRAWL RED KING CRAB — ZONE 1

Fishery group	Crabs (#'s)	Cap (#'s)	%
Rock sole/Other flatfish	33,249	48,750	68%
Pacific cod	6,769	7,500	90%
Yellowfin sole	6,763	10,000	68%
PLCK/AMCK/OTHER	137	7,500	2%
Total:	46,918	73,750	64%

NMFS/AKR
05/14/97
14:12:24

1996 BERING SEA/ALEUTIAN ISLANDS FISHERIES
PROHIBITED SPECIES BYCATCH MORTALITY
Week Ending: 12/31/96

TRAWL BAIRDI TANNER CRAB

Fishery group	ZONE 1 Crabs (#'s)	ZONE 1 Cap (#'s)	ZONE 1 %	ZONE 2 Crabs (#'s)	ZONE 2 Cap (#'s)	ZONE 2 %
Rock sole/Other flatfish	341,178	345,000	99%	128,695	510,000	25%
Pacific cod	128,364	250,000	51%	38,435	260,000	15%
Yellowfin sole	292,023	330,000	88%	788,173	1,530,000	52%
PLCK/AMCK/OTHER	78,824	75,000	105%	11,901	690,000	2%
Rockfish	0	0	0%	0	10,000	0%
Rockfish	0	0	0%	430	10,000	4%
GTRB/ARTH/SABL	0	0	0%	0	0	0%
GTRB/ARTH/SABL	0	0	0%	1,470	0	0%
Total:	840,389	1,000,000	84%	969,103	3,010,000	32%

TRAWL RED KING CRAB

Fishery group	ZONE 1 Crabs (#'s)	ZONE 1 Cap (#'s)	ZONE 1 %
Rock sole/Other flatfish	8,971	110,000	8%
Pacific cod	2,918	10,000	29%
Yellowfin sole	689	50,000	1%
PLCK/AMCK/OTHER	5,872	30,000	20%
Total:	18,449	200,000	9%

Yellowfin Sole Fishery Seasons/Quotas:

Red King Crab	
Jan 20 - Mar 31	= 5,000
Apr 01 - May 10	= 15,000
May 11 - Aug 14	= 10,000
Aug 15 - Dec 31	= 20,000
Annual Total	50,000

Bairdi Tanner Crab - Zone 1	
Jan 20 - Mar 31	= 50,000
Apr 01 - Dec 31	= 200,000
Annual Total	250,000

NMFS/AKR
05/21/96

1995 BERING SEA/ALEUTIAN ISLANDS FISHERIES
PROHIBITED SPECIES BYCATCH MORTALITY

TRAWL BAIRDI TANNER CRAB

	ZONE 1			ZONE 2		
Fishery group	Crabs (#'s)	Cap (#'s)	%	Crabs (#'s)	Cap (#'s)	%
Pacific cod	195,849	225,000	87%	44,485	260,000	17%
Rock sole/Other flatfish	338,347	475,000	71%	80,122	510,000	16%
Yellowfin sole	260,019	225,000	116%	1,116,051	1,525,000	73%
PLCK/AMCK/OTHER	105,821	75,000	141%	48,171	690,000	7%
Rockfish	0	0	0%	0	10,000	0%
GTRB/ARTH/SABL	0	0	0%	66	5,000	1%

TRAWL RED KING CRAB

	ZONE 1		
Fishery group	Crabs (#'s)	Cap (#'s)	%
Pacific cod	2,450	10,000	25%
Rock sole/Other flatfish	20,523	110,000	19%
Yellowfin sole	6,054	50,000	12%
PLCK/AMCK/OTHER	3,588	30,000	12%

measures that limit crab bycatch and whether or not new measures to reduce bycatch are required to rebuild the Tanner crab stock. Based on 1994-97 data from Section 4.0, an estimated 2.2 million to 6.3 million Tanner crabs were killed incidentally in Bering Sea crab and groundfish fisheries. This equates to about 1.4% to 3.3% of the total abundance of Tanner crab as measured by the NMFS trawl surveys.

Groundfish Fisheries

Bycatch mortality due to groundfish fisheries has ranged between 1.2 million and 2.0 million Tanner crabs during the 1994-98 period. This equates to 0.77% to 1.0% of the total stock. From a mortality standpoint, this is similar to mortality associated with other groundfish fishery PSC species such as herring (1%), halibut (1.3% trawl and longline combined) and chum salmon (<1%), but is more than red king crab (0.1%) and C. opilio crab (0.1%), yet less than chinook salmon (2%-4%) (Witherell et al., 2000).

The current Tanner crab bycatch limits were negotiated by an industry committee in 1996 and adopted as Groundfish Plan Amendment 41. As part of the industry agreement (**Appendix 1**), PSC limits were to be reviewed in 3 years (in 1999), so a review in this amendment package is timely.

Close examination of Tanner crab bycatch limits suggests that the Zone 2 PSC limit could be reduced somewhat as preventative control measure, without unduly impacting trawl fisheries. For example, the total bycatch of Tanner crab in Zone 2 has never come close to the allowable limit. In fact, the only time Zone 2 has been closed in recent years was once in 1994, when the rock sole/other flatfish fishery reached its allocated PSC limit. In hindsight, this was due to a gross mis-allocation of too much PSC to the pollock fishery (see table in Section 4.3.1).

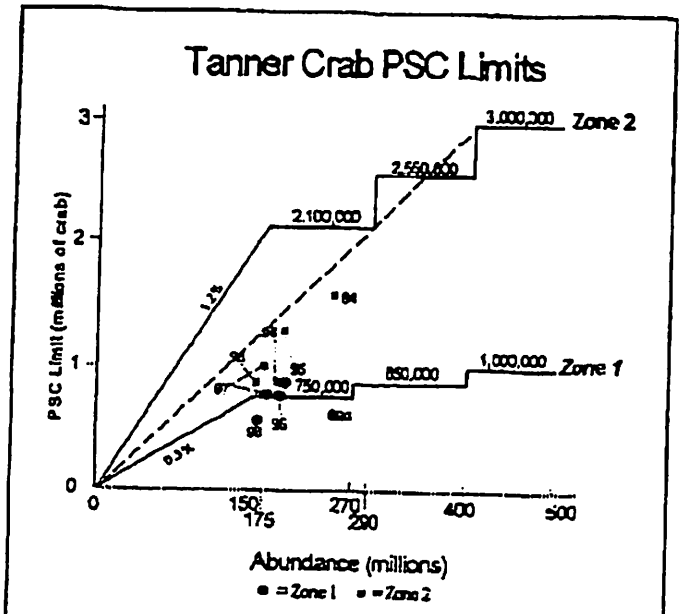


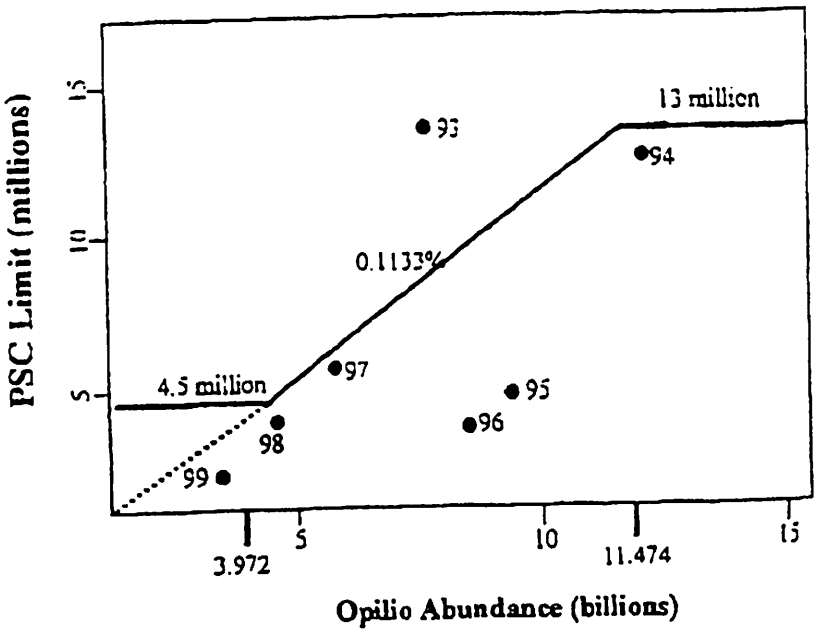
Figure 5.2. Tanner crab bycatch limits in Zone 1 and Zone 2 relative to observed levels, 1994-1998. Data points show abundance when specifications were set and the number of crabs taken in the following year. The option to reduce the PSC limit in Zone 2 to 0.75% of abundance is shown by the dashed line.

A Zone 2 PSC limit set at 0.75% of abundance may not be constraining if PSC was properly allocated, based on past history. The largest number of Tanner crab ever taken in Zone 2 was 2.7 million in 1992, when the stock was abundant (equated to about 0.35% of the stock). By 1993, the Zone 2 bycatch dropped to 2.3 million crabs, concurrent with declining stock abundance.

PSC limits for Zone 2 bairdi under proposed bycatch limit set at 0.5% of abundance, compared with observed bycatch.

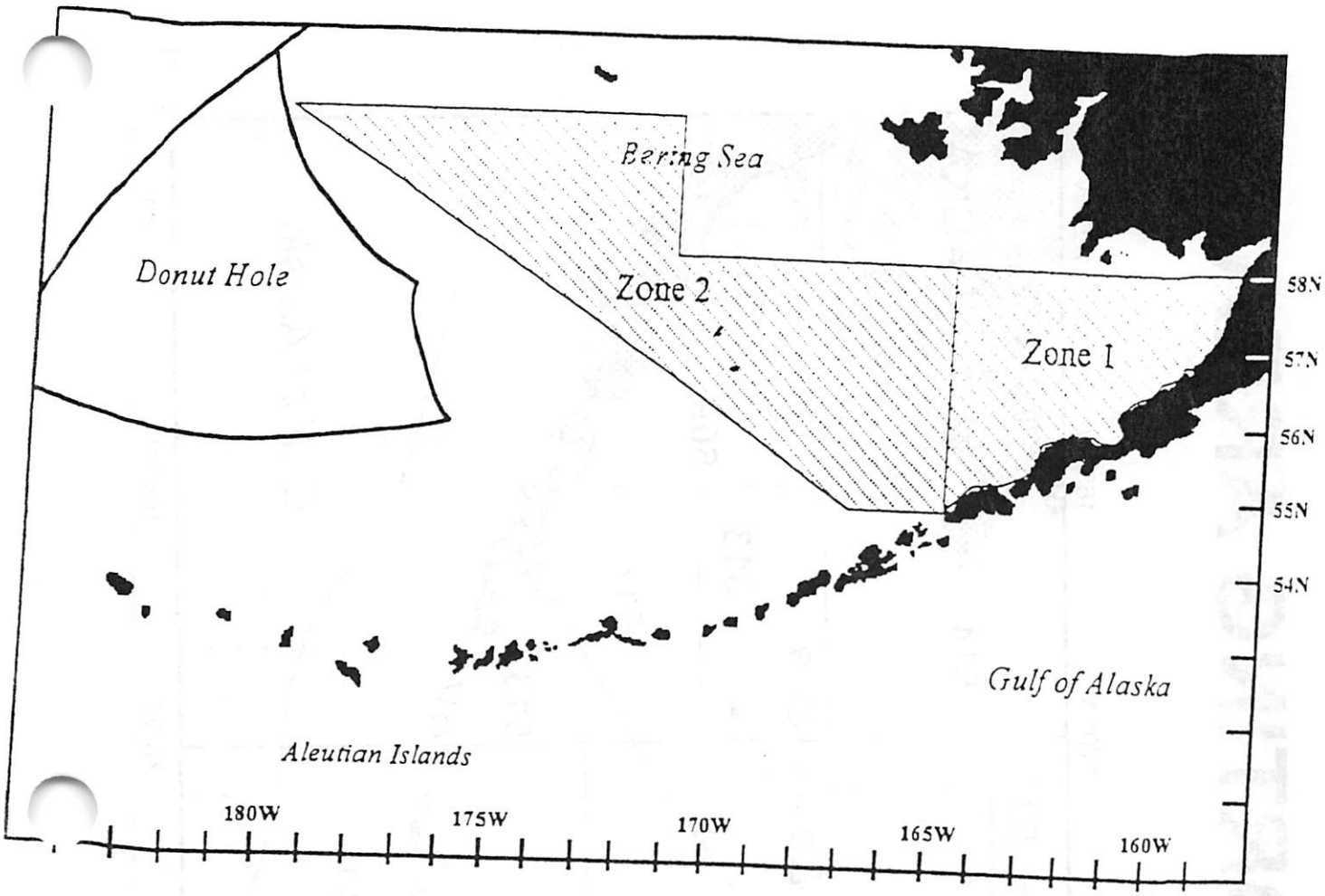
Year	Observed	Proposed	Difference	% Diff
1994	1,709,724	960,000	-749,724	43.9%
1995	1,288,895	945,000	-343,895	26.7%
1996	969,103	878,000	-91,103	9.4%
1997	1,062,618	795,000	-267,618	25.2%

With regards to the option to eliminate the 4.5 million "floor", trawl industry representatives have been concerned about the potential for a large year class to recruit as bycatch into to trawl fisheries before they recruit to the survey. In other words, a lot of little crabs taken as bycatch in year x+1 would count towards a PSC limit established on survey data in year x. Analysis of length frequency data from snow crab taken as bycatch in trawl fisheries, albeit based on limited sampling, suggests that such an event may be unlikely. Trawl bycatch appeared to consist of relatively large snow crabs (average size was about 70 mm cw), even when the population had a near record of small crabs (e.g., 1993). See Section 1.5 for more information on bycatch of snow crabs in trawl fisheries. Small crabs are taken in the trawl survey due to net design (low profile footrope, small mesh) and survey locations; the trawl fisheries use larger mesh sizes (thereby letting out smaller crabs, fish, etc.) and fish in areas where the smaller snow crabs are not found (see figure on survey distribution of small crabs and trawl effort distribution). Molting to average bycatch size would probably require about 2 years (on average) after a year class is detected by the survey (year class strength appears to be well estimated when a mode reaches about 45 mm. See Figure 2). Barring major distributional changes or the crabs or the fishery, a large year class would not be expected to be encountered in groundfish trawl fisheries before being incorporated into the total survey abundance estimate (and consequently the PSC limit).



Snow crab bycatch and PSC limits relative to observed levels. Data points show abundance when specifications were set and the number of crabs taken the following year. Note: The actual PSC limit is reduced by 150,000 crabs per BSAI Amendment 57.

Concern has been raised about the unknown mortality of crabs caused by trawling, and reducing PSC limits may exacerbate these unobservable impacts. In an attempt to catch less crabs (via reduced bycatch limits, VIP regulations, AFA pooling, or proposed measures such as VBAs, etc.), trawl fishermen may modify their gear. Modifications to footrope design, roller size, and mesh size can result in fewer crabs being retained and counted by observers (NRC 1988). For trawl fisheries historically limited by bycatch limits, reduced bycatch rates of PSC species may result in increased effort (at least until limited by TAC of targets). In turn, increased trawl effort could result in increased unobservable impacts on crab resources, simply because more crab are encountered by trawl gear. This possibility was also raised during the Council's 1993 deliberations over trawl codend mesh size, but the benefits of reduced bycatch were felt to outweigh the possible costs of unobserved mortality due to non-retention.



Prohibited Species Bycatch Limitation Zones

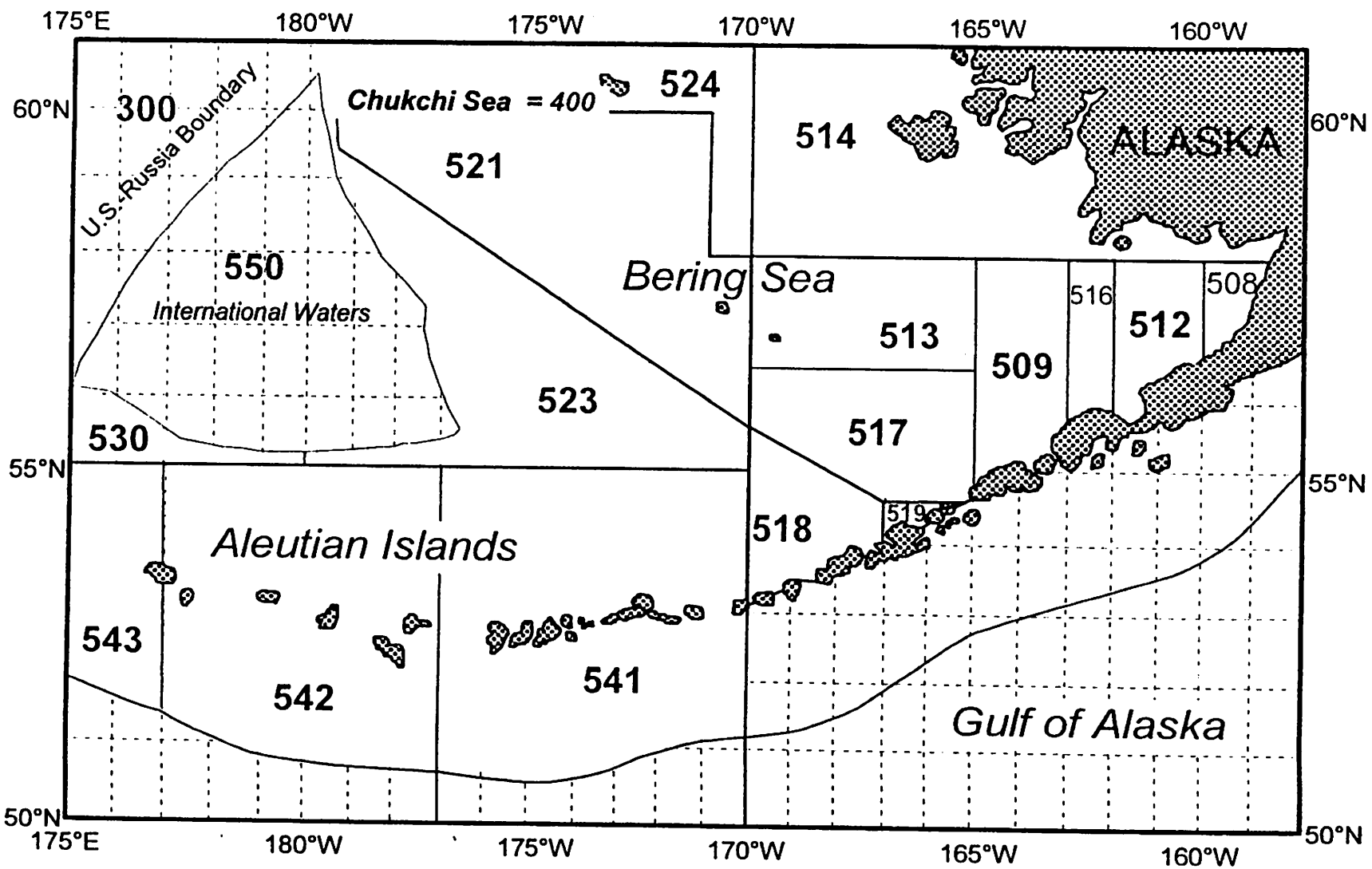
Rationale for Closure: To allow for control of red king crab and C. bairdi Tanner crab bycatch.

Origin: Implemented under Amendment 10 on March 16, 1987.

Description of Area: Areas close to directed fishing when crab bycatch caps are attained in specified fisheries. Bycatch Limitation Zone 1 means that part of the Bering Sea Subarea that is south of 58°00' N. latitude and east of 165°00' W. longitude. Bycatch Limitation Zone 2 means that part of the Bering Sea Subarea bounded by straight lines connecting the following coordinates in the order listed:

North latitude	West longitude
54° 30'	165° 00'
58° 00'	165° 00'
58° 00'	171° 00'
60° 00'	171° 00'
60° 00'	179° 20'
59° 25'	179° 20'
54° 30'	167° 00'
54° 30'	165° 00'

BSAI REPORTING AREAS



August 14, 2003

Arni Thomson
Alaska Crab Coalition
3901 Leary Way, N.W.
Suite #6
Seattle, WA 98107

Dear Arni:

Attached is a copy of the legal memorandum I referenced at the June Council meeting when we talked briefly about IR/IU and section 313(g)(2) of the Magnuson-Stevens Act. Aside from legal opinions that may be in the minutes of previous IR/IU and VBA committee meetings, this is the only legal opinion on the issue.

Please call me if you have any questions or would like to talk about the issue. My work number is 907-586-7414 extension 233.

Sincerely,

Lauren

Lauren M. Smoker
GCAK

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of General Counsel
P.O. Box 21109
Juneau, Alaska 99802-1109

August 27, 2002

MEMORANDUM FOR: Sue Salveson
ARA for Sustainable Fisheries

THROUGH: Lisa Lindeman
Alaska Regional Counsel

FROM: Garland Walker
Attorney-Advisor

SUBJECT: Legal Issues Relating to the Formation of Halibut Bycatch Cooperatives under Section 313(g) of the Magnuson-Stevens Fishery Conservation and Management Act

This responds to NMFS' request for GCAK's review of several legal issues that arose during discussions of halibut bycatch cooperatives in preparation for the Improved Retention/Improved Utilization (IR/IU) Committee meeting this week. Hopefully, the following will assist NMFS and the IR/IU Committee during their discussions of bycatch reduction programs under section 313(g) of the Magnuson-Stevens Act.

The proposed halibut bycatch cooperatives, which would otherwise be considered a type of individual fishing quota (IFQ), are authorized by paragraph 313(g)(2) of the Magnuson-Stevens Act which states:

> *(2) (A) Notwithstanding section 303(d), and in addition to the authority provided in section 303(b)(10), the North Pacific Council may submit, and the Secretary may approve, conservation and management measures which provide allocations of regulatory discards to individual fishing vessels as an incentive to reduce per vessel bycatch and bycatch rates in a fishery, Provided, That--*
>
> *(i) such allocations may not be transferred for monetary consideration and are made only on an annual basis; and*
>
> *(ii) any such conservation and management measures will meet the requirements of subsection (h) and will result in an actual reduction in regulatory discards in the fishery.*
>
> *(B) The North Pacific Council may submit restrictions in addition to the restriction imposed by clause (i) of subparagraph (A) on the transferability of any such allocations, and the Secretary may approve such recommendation.*

This authorizing language appears to contain three restrictions that are relevant to the design of halibut bycatch cooperatives: (1) allocations may not be transferred for monetary consideration; (2) allocations may be made only on an annual basis, and (3) the program must result in an actual reduction in regulatory discards. These restrictions are discussed below.

(1) Allocations may not be transferred for monetary consideration. Section 313(g)(2)(A)(i)authorizes allocations of regulatory discards to individual vessels, but subparagraph (i) prohibits the transfer of such allocations for "monetary consideration." The phrase "monetary consideration" is not defined; however, Congress did not use the phrase "sale, barter or trade" in section 313(g)(2)(i) as it did in the statutory definition of "commercial fishing." We presume that Congress was aware of this distinction and, therefore, intended to prohibit only monetary exchanges under 313(g)(2)(A)(i). Accordingly, trade or barter of VBAs would be permissible under section 313(g)(2)(i) but monetary (cash, currency or coinage) exchanges would not be permissible.

Section 313(g)(2)(B) allows the Council to impose additional regulatory restrictions on the transferability of VBA's. Additional regulatory restrictions could include complete prohibitions on transfer or some limited trade. Finally, we note that while NOAA can interpret the term "monetary consideration" in the context of fishery management plans, IRS has its own rules for tax purposes concerning trade, barter and exchanges for money.

(2) Allocations may be made only on an annual basis. Section 313(g)(2)(A)(i)specifies that allocations of regulatory discards to individual vessels shall be made only on an annual basis. This restriction prevents the establishment of multi-year or permanent cooperative PSC allocations. The standard dictionary definition of the term "annual" equates the term to "yearly." The current regulations at 50 CFR 679.23(a) provide generally that fishing for groundfish is authorized on a calendar year basis. It is possible that a twelve month period other than a calendar year/current fishing year basis could be considered to be an "annual basis," similar in practice to the fiscal year (e.g., September-October) of some organizations. However, should the Council desire to issue any bycatch allocations on other than a calendar year basis, more legal research should be done. The Council and NMFS would need to provide a rationale for its definition/interpretation of "annual."

On its face, section 313(g) does not appear to prohibit a vessel's annual allocation from being distributed to the vessel in several distributions throughout the year. Also, should the Council develop a separate VBA program for a species in addition to halibut, it does not appear that allocations under a separate VBA program need to be made at the same time during the year.

(3) The program must result in an actual reduction in regulatory discards. Section 313(g)(2)(ii) specifies that any conservation and management must "result in an actual reduction in regulatory discards in the fishery." We interpret this language to mean that the result of any program must be an actual reduction in regulatory discards by numbers and pounds of bycatch in the fishery subject to the 313(g)(2) program. If a bycatch reduction program is designed to focus on specific species, then reductions in bycatch of those specific species should result.

National standard 9 (section 301(a)(9))[1] requires that conservation and management measures, shall to the extent practicable, "minimize bycatch." Section 313(g) is a further more stringent requirement on the North Pacific Council. If a halibut bycatch program reduces halibut bycatch in certain groundfish fisheries, but the practices in other groundfish fisheries reduce or negate the efficiencies resulting from that program, then the Council and NMFS could face a challenge that the overall management of bycatch under the FMP is not consistent with national standard 9. The Committee and the Council therefore should consider the potential effects of a bycatch program under section 313(g) within the context of overall bycatch reduction measures under the FMP as required by national standard 9, including possibly monitoring bycatch species in other fisheries to assess whether the bycatch practices in those fisheries actually increase the overall bycatch of the focus species.

cc: Mariam McCall
Kent Lind

[1] Section 301(a)(9) reads "Any fishery management plan prepared, and any regulation promulgated to implement any such plan, pursuant to this subchapter shall be consistent with the following national standards for fishery conservation and management: ... (9) Conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch."