

**Proposed Amendment 45 to the Fishery Management Plan  
for the Bering Sea/Aleutian Islands Groundfish**

14.0 MANAGEMENT REGIME

14.4 Management Measures -- Domestic Fishery

14.4.7 Effort Limitation Programs

14.4.7.1 MANAGEMENT OF FIXED GEAR SABLEFISH FISHERIES

[text between title above and section 14.4.7.1.7 is not changed]

[FMP amendment would move Section 14.4.7.1.8 COMMUNITY DEVELOPMENT QUOTAS to a new 14.4.7.3, except the following paragraph which currently is 14.4.7.1.8 (B) (3) and would be moved within the section on management of the fixed gear sablefish fisheries to 14.4.7.1.7 General Provisions as (7). ]

14.4.7.1.7 GENERAL PROVISIONS

[text in (1) through (6) not changed, add current section 14.4.7.1.8 (B) (3) as a new section 14.4.7.1.7(7)]

**(7) Those persons that would otherwise have received a full complement of sablefish QS in the Bering Sea and Aleutian Islands area, but would receive less due to the provisions of CDQs, will be partially compensated and the cost of the compensation will be borne equally by all initial sablefish QS/IFQ recipients. In general this compensation plan will issue incremental amounts of QS in each non-CDQ area to each disadvantaged person.**

14.4.7.2 GROUND FISH LICENSE LIMITATION PROGRAM

(text of this section not included here)

[Add new section 14.4.7.3]

**14.4.7.3 WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM**

**[the following two paragraphs are from the fixed gear sablefish section 14.4.7.1.8 with changes noted in bold and strike-out]**

**14.4.7.3.1 PURPOSE AND SCOPE.** The Western Alaska Community Development Quota Program is established to provide fishermen who reside in western Alaska communities a fair and reasonable opportunity to participate in the Bering Sea/Aleutian Islands

~~sablefish~~ **groundfish** fisheries, to expand their participation in salmon, herring, and other nearshore fisheries, and to help alleviate the growing social economic crisis within these communities. Residents of western Alaska communities are predominantly Alaska Natives who have traditionally depended upon the marine resources of the Bering Sea for their economic and cultural well-being. The Western Alaska Community Development Quota Program is a joint program of the Secretary and the Governor of the State of Alaska. Through the creation and implementation of community development plans, western Alaska communities will be able to diversify their local economies, provide community residents with new opportunities to obtain stable, long-term employment, and participate in the Bering Sea/Aleutian Islands ~~sablefish~~ fisheries which have been foreclosed to them because of the high capital investment needed to enter the fishery.

The NMFS Regional Director shall hold the designated percent of the annual total allowable catch (TAC) of groundfish ~~sablefish~~ for each management area in the Bering Sea and Aleutian Islands for the western Alaska ~~halibut~~ community quota as noted below. These amounts shall be released to eligible Alaska communities who submit a plan, approved by the Governor of Alaska, for its wise and appropriate use. **[The last sentence of this paragraph on purpose and scope is specific to fixed gear sablefish CDQs so is proposed to be moved to the last sentence of the single paragraph in the new section 14.4.7.3 on fixed gear sablefish CDQ allocations.]**

**[the following paragraph is moved from the pollock CDQ section 14.4.11.6, it is the second paragraph of that section. The first paragraph of 14.4.11.6 is added in the section 14.4.7.3.4 below on pollock CDQ allocations]**

The Western Alaska Community Quota program will be structured such that the Governor of Alaska is authorized to recommend to the Secretary that a Bering Sea Rim community be designated as an eligible fishing community to receive a portion of the reserve. To be eligible a community must meet the specified criteria and have developed a fisheries development plan approved by the Governor of Alaska. The Governor shall develop such recommendations in consultation with the Council. The Governor shall forward any such recommendations to the Secretary, following consultation with the Council. Upon receipt of such recommendations, the Secretary may designate a community as an eligible fishing community and, under the plan, may release appropriate portions of the reserve.

**[the following paragraph is from the fixed gear sablefish section 14.4.7.1.8(B) (2) with no changes]**

Not more than 33 percent of the total Western Alaska community quota may be designated for a single CDQ applicant, except that if portions of the total quota are not designated by the end of the second quarter, applicants may apply for any portion of the remaining quota for the remainder of that year only.

**[the following paragraph is from the fixed gear sablefish section 14.4.7.1.8(C) with no changes]**

**14.4.7.3.2 ELIGIBLE WESTERN ALASKA COMMUNITIES.** The Governor of Alaska is authorized to recommend to the Secretary that a community within western Alaska which meets all of the following criteria be eligible for the western Alaska community quota program (hereinafter "the Program"):

- (1) be located on or proximate to the Bering Sea coast from the Bering Strait to the western most of the Aleutian Islands or a community located on an island within the Bering Sea, that the Secretary of the Interior has certified pursuant to section 11(b) (2) or (3) of Pub. L. No. 92-203 as Native villages are defined in section 3(c) of Pub. L. No. 92-203;
- (2) be unlikely to be able to attract and develop economic activity other than commercial fishing that would provide a substantial source of employment;
- (3) its residents have traditionally engaged in and depended upon fishing in the waters of the Bering Sea coast;
- (4) has not previously developed harvesting or processing capability sufficient to support substantial participation in the commercial groundfish fisheries of the Bering Sea/Aleutian Islands because of a lack of sufficient funds for investing in harvesting or processing equipment; and
- (5) has developed a community development plan approved by the Governor, after consultation with the North Pacific Fishery Management Council.

**[the following sentence is from section 14.4.1.2.2.1 with no changes]**

Also, Akutan will be included in the list of eligible CDQ communities.

**[new section number and title using text previously in the fixed gear sablefish section. The first sentence is from 14.4.7.1.8(B)(1) with no changes and the second sentence is the last sentence of the purpose and scope section in 14.4.7.1.8(A) with a change to reference the fixed gear sablefish IFQ section of the FMP]**

**14.4.7.3.3 FIXED GEAR SABLEFISH CDQ ALLOCATION.** [section number and title added]

The NMFS Regional Director shall hold 20 percent of the annual fixed-gear Total Allowable Catch of sablefish for each management area in the Bering Sea/Aleutian Islands Area for the western Alaska sablefish community quota. The portions of sablefish TACs for each management area not designated to CDQ fisheries will be allocated as QS and IFQs and shall be used pursuant to the program outlined in ~~the preceding~~ Section **14.4.7.1.**

**[new section number and title using text previously in the first paragraph of the inshore/offshore/pollock CDQ section section 14.4.11.6 with no changes]**

**14.4.7.3.4 POLLOCK CDQ ALLOCATION**

For a Western Alaska Community Quota, 50% of the BSAI pollock reserve as prescribed in the FMP will be held annually until the end of the third quarter. This held reserve shall be released to communities on the Bering Sea Coast which submit a plan, approved by the Governor of Alaska, for the wise and appropriate use of the released reserve. Any of this held pollock reserve not released by the end of the third quarter shall be released in accordance with reserve release provisions of the FMP and federal regulations, and in accordance with the inshore and offshore formula established in section 14.4.11.4.

**[new section number and title using text previously in 14.4.1.2.2.1]**

**14.4.7.3.5 MULTISPECIES GROUND FISH AND PROHIBITED SPECIES CDQ ALLOCATIONS**

CDQs will be issued for 7.5% of the TAC for all BSAI groundfish species not already covered by another CDQ program (pollock and

longline sablefish). A pro-rata share of PSC species will also be issued. PSC will be allocated before the trawl/non-trawl splits. The program will be patterned after the pollock CDQ program (~~defined in section 14.4.11.6~~), but will not contain a sunset provision.

**[Move 14.4.11.6 to 14.4.7.3.2 and 14.4.7.3.4 and renumber 14.4.11.7]**

MAKE THE FOLLOWING REVISION IN SECTION 14.4.11.7  
(INSHORE/OFFSHORE SECTION)

**14.4.11.6 Duration** [formerly 14.4.11.7]

Inshore-offshore allocations of pollock ~~and the Western Alaska Community Quota program~~ shall cease to be a part of this FMP either (1) at midnight on December 31, 1995; or (2) earlier if replaced with another management regime approved by the Secretary.