

Proposed BSAI FMP Amendment 92: Deletions are stricken and additions are in bold.

p. 19, Section 3.3.1, License Limitation Program

A Federal groundfish license is required for catcher vessels (including catcher/processors) participating in all BSAI groundfish fisheries, other than fixed gear sablefish. However, the following vessel categories are exempt from the license program requirements:

- a. vessels fishing in State of Alaska waters (0-3 miles offshore);
- b. vessels less than 32 ft LOA; or
- c. jig gear vessels less than 60 ft LOA using a maximum of 5 jig machines, one line per machine, and a maximum of 15 hooks per line.

Any vessel that meets the LLP qualification requirements will be issued a license, regardless of whether they are exempt from the program or not.

p. 20, Section 3.3.1.1, Elements of the License Limitation Program

1. Nature of Licenses. General licenses will be issued for the entire BSAI management area based on historical landings defined in Federal regulations. Vessels that qualify for both a BSAI and a Gulf of Alaska general license will be issued both as a non-severable package.
2. Area endorsements. Area endorsements for the Bering Sea and/or Aleutian Islands subareas will be issued along with the general license, **with one exception. Non-AFA trawl catcher vessels (i.e., trawl catcher vessels that are not eligible to harvest pollock under Section 208 of Title II, Division C of P.L. 105-277) can earn an Aleutian Islands endorsement on their general license after the implementation of the original License Limitation Program. These Aleutian Islands endorsements were not initially issued to any general license under the original program; these licenses earned Aleutian Islands endorsements after the implementation of the License Limitation Program by meeting the following qualification history. For non-AFA trawl catcher vessel licenses with a vessel length class designation of less than 60 ft LOA: at least 500 mt in the AI parallel Pacific cod fishery during 2000 – 2006. For non-AFA trawl catcher vessel licenses with a vessel length class designation of greater than or equal to 60 ft LOA: at least one landing in the AI parallel groundfish fishery or AI State – managed Pacific cod fishery during 2000 – 2006 and at least 1,000 mt in the Federal waters BSAI Pacific cod fishery during 2000 – 2006. General licenses and endorsements will remain a non-severable package, with the exception of the Aleutian Islands endorsements earned on non-AFA trawl catcher vessel licenses with a vessel length class designation of less than 60 ft LOA discussed above (see #8).**
3. Revocation of area endorsements on trawl licenses. A secondary qualification period is established for trawl groundfish licenses based on historical trawl landings defined in Federal regulations. Bering Sea, Aleutian Islands, Central GOA including West Yakutat, and Western GOA subarea endorsements will be removed from general groundfish licenses with trawl catcher vessel or trawl catcher processor designations unless the license meets the landings requirements in regulation. Trawl licenses with more than one area endorsement that qualify to retain at least one area endorsement will be reissued with the area endorsement(s) for which they qualify. Licenses with both a trawl and non-trawl designation that lose an area endorsement as a result of the trawl qualification criteria will be reissued with the appropriate non-trawl area endorsement(s). Trawl licenses that do not qualify to retain any of their area endorsements will be revoked in entirety.
- ~~2.4.~~ Initial License Recipients. Licenses will be issued to owners (as of June 17, 1995) of qualified vessels. The owners as of this date must be “persons eligible to document a fishing vessel” under

Chapter 121, Title 46, U.S.C. In cases where the vessel was sold on or before June 17, 1995, and the disposition of the vessel's fishing history for license qualification was not mentioned in the contract, the license qualification history would go with the vessel. If the transfer occurred after June 17, 1995, the license qualification history would stay with the seller of the vessel unless the contract specified otherwise.

- 3-5. License Designations. Licenses and endorsements will be designated as Catcher Vessel or Catcher Processor and with one of three vessel length classes (less than 60 ft LOA, greater than or equal to 60 ft but less than 125 ft LOA, or greater than 125 ft LOA). Vessels less than 60 ft LOA with a catcher vessel designation may process up to 1 mt (round weight) of fish per day.

General licenses will also contain a gear designation (trawl gear, non-trawl gear, or both) based on landings activity in any area through June 17, 1995. Vessels that used both trawl and non-trawl gear during the original qualification period would receive both gear designations, while vessels that used only trawl gear or only non-trawl gear during the original qualification period (general or endorsement period) would receive one or the other. For vessels that used only one gear type (trawl or non-trawl) in the original qualification period, and then used the other gear type between June 18, 1995 and February 7, 1998, the license recipient may choose one or the other gear designation, but will not receive both. For vessels that used only one gear type (trawl or non-trawl) in the original qualification period, but made a significant financial investment towards conversion to the other gear type or deployment of such gear on or before February 7, 1998, and made landings on that vessel with the new gear type by December 31, 1998, the license recipient may choose which gear designation to receive, but not both. A significant financial commitment is defined as a minimum purchase of \$100,000 worth of equipment specific to trawling or having acquired groundline, hooks or pots, and hauling equipment for the purpose of prosecuting the non-trawl fisheries on or by February 7, 1998.

- 4-6. Who May Purchase Licenses. Licenses may be transferred only to “persons” defined as those “eligible to document a fishing vessel” under Chapter 121, Title 46, U.S.C. Licenses may not be leased.

- 5-7. Vessel/License Linkages. Licenses may be transferred without a vessel, i.e., licenses may be applied to vessels other than the one to which the license was initially issued. However, the new vessel is still subject to the license designations, vessel upgrade provisions, “20 percent upgrade rule” (defined in provision seven), and the no leasing provision. Licenses may be applied to vessels shorter than the maximum LOA allowed by the license regardless of the vessel's length designation. Vessels may also use catcher processor licenses on catcher vessels. However, the reverse is not allowed.

Notwithstanding the above, licenses earned on vessels that did not hold a Federal fisheries permit prior to October 9, 1998, may be transferred only if the vessel originally assigned the license is transferred along with the license, unless a fishing history transfer occurred prior to February 7, 1998, in which case the vessel does not have to accompany the license earned from that fishing history; however, any future transfer of that license would have to include that vessel.

A license that was originally assigned to, or designates, a non-AFA trawl catcher/processor may only be used on a non-AFA trawl catcher/processor.

- 6-8. Separability of General Licenses and Endorsements. General licenses may be issued for the BSAI groundfish, Gulf of Alaska groundfish, and Bering Sea and Aleutian Islands crab fisheries. Those general licenses initially issued to a person based on a particular vessel's catch history are not separable and shall remain as a single “package”. General licenses transferred after initial allocation shall remain separate “packages” in the form they were initially issued, and will not be combined with other general groundfish or crab licenses the person may own. Area endorsements are not separable from the general license they are initially issued under, and shall remain as a single “package”, which includes the assigned catcher vessel or catcher processor and length designations, **with one exception. The only area endorsements that are separable from the**

general license are the Aleutian Islands area endorsements earned on non-AFA trawl catcher vessel licenses with a vessel length class designation of less than 60 ft LOA after the implementation of the original License Limitation Program (see #2). The separable Aleutian Islands endorsements may only be transferred to a non-AFA trawl catcher vessel license with a vessel length class designation of less than 60 ft LOA. All other area endorsements and designations remain as a single “package” on the general license.

~~7-9.~~ Vessel Replacements and Upgrades. Vessels may be replaced or upgraded within the bounds of the vessel length designations and the “20 percent rule”. This rule was originally defined for the vessel moratorium program. The maximum LOA with respect to a vessel means the greatest LOA of that vessel or its replacement that may qualify it to conduct directed fishing for groundfish covered under the license program, except as provided at § 679.4(d). The maximum LOA of a vessel with license qualification will be determined by the Regional Administrator as follows:

- a. For a vessel with license qualification that is less than 125 ft LOA, the maximum LOA will be equal to 1.2 times the vessel’s original qualifying length or 125 ft, whichever is less; and
- b. For a vessel with license qualification that is equal to or greater than 125 ft, the maximum LOA will be equal to the vessel’s original qualifying length.

If a vessel upgrades under the “20 percent rule” to a length which falls into a larger license length designation after June 17, 1995, then the vessel owner would be initially allocated a license and endorsement(s) based on the vessel’s June 17, 1995, length. Those licenses and endorsements could not be used on the qualifying vessel, and the owner would be required to obtain a license for that vessel’s designation before it could be fished.

~~8-10.~~ License Ownership Caps. No more than 10 general groundfish licenses may be purchased or controlled by a “person”, with grandfather rights to those persons who exceed this limit in the initial allocation. Persons with grandfather rights from the initial allocation must be under the 10 general license cap before they will be allowed to purchase any additional licenses. A “person” is defined as those eligible to document a fishing vessel under Chapter 121, Title 46, U.S.C. For corporations, the cap would apply to the corporation and not to share holders within the corporation.

~~9-11.~~ Vessel License Use Caps. There is no limit on the number of licenses (or endorsements) that may be used on a vessel.

~~10-12.~~ Changing Vessel Designations. If a vessel qualifies as a catcher processor, it may select a one time (permanent) conversion to a catcher vessel designation.

~~11-13.~~ Implement a Skipper Reporting System. NMFS will implement a skipper reporting system that requires groundfish license holders to report skipper names, addresses, and service records.

~~12-14.~~ Vessels Targeting Non-groundfish Species. Vessels targeting non-groundfish species that are allowed to land incidentally taken groundfish species without a Federal permit before implementation of the groundfish license program, will be allowed to continue to land bycatch amounts of groundfish without having a valid groundfish license. Additionally, vessels targeting sablefish and halibut under the IFQ program will continue to be allowed to retain bycatch amounts of groundfish species.

~~13-15.~~ CDQ Vessel Exemption. Vessels less than 125 ft LOA obtained under an approved CDQ plan to participate in both CDQ and non-CDQ fisheries will be allowed to continue to fish both fisheries without a license, provided such vessel was under construction or operating in an existing community development plan as of October 9, 1998. If the vessel is sold outside the CDQ plan, the vessel will no longer be exempt from the rules of the license program.

~~14-16.~~ Lost Vessels. Vessels that qualified for the moratorium and were lost, damaged, or otherwise out of the fishery due to factors beyond the control of the owner and which were replaced or

otherwise reentered the fishery in accordance with the moratorium rules, and which made a landing any time between the time the vessel left the fishery and June 17, 1995, will be qualified for a general license and endorsement for that area.

- ~~15-17.~~ Licenses Represent a Use Privilege. The Council may alter or rescind this program without compensation to license holders; further, licenses may be suspended or revoked for (serious and/or multiple) violations of fisheries regulations.

p. A-13, Appendix A, A.1 Amendments to the FMP

Amendment 92 implemented _____, revised Amendment 60:

- 1. Revoked Bering Sea and Aleutian Islands area endorsements on trawl groundfish licenses unless the license met historical trawl groundfish landings criteria.**
- 2. Created a limited number of new AI endorsements on non-AFA trawl catcher vessel licenses; new AI endorsements earned on licenses with a <60' MLOA are severable and transferable from the overall license.**

Proposed GOA FMP Amendment 82: Deletions are stricken and additions are in bold.

p.20, Section 3.3.1 License Limitation Program

Beginning on January 1, 2002, a Federal groundfish license is required for harvesting vessels (including harvester/processors) participating in all directed GOA groundfish fisheries, other than fixed gear sablefish throughout the GOA and demersal shelf rockfish in the Southeast Outside area (east of 140° W. longitude). Vessels fishing in State of Alaska waters (0-3 miles offshore) will be exempt, as will vessels less than 26 ft LOA. Vessels exempted from the GOA groundfish license program, will be limited to the use of legal fixed gear in the Southeast Outside area.

p.21, Section 3.3.1.1 Elements of the License Limitation Program

1. Nature of Licenses. General licenses will be issued for the entire GOA area based on historical landings **defined in Federal regulations**. Vessels that qualify for both a BSAI and GOA general licenses will be issued both as a non-severable package. ~~Area endorsements will be issued along with the general license for the Southeast Outside, Central GOA including West Yakutat, and/or Western GOA areas. General licenses and endorsements will remain a non-severable package.~~
2. Area Endorsements. **Area endorsements will be issued along with the general license for the Southeast Outside, Central GOA including West Yakutat, and/or Western GOA areas. General licenses and endorsements will remain a non-severable package.**
3. Revocation of Area Endorsements on Trawl Licenses. **A secondary qualification period is established for trawl groundfish licenses based on historical trawl landings defined in Federal regulations. Central GOA including West Yakutat, Western GOA, Bering Sea, and Aleutian Islands subarea endorsements will be removed from general groundfish licenses with trawl catcher vessel or trawl catcher processor designations unless the license meets the landings requirements in regulation. Trawl licenses with more than one area endorsement that qualify to retain at least one area endorsement will be reissued with the area endorsement(s) for which they qualify. Licenses with both a trawl and non-trawl designation that lose an area endorsement as a result of the trawl qualification criteria will be reissued with the appropriate non-trawl area endorsement(s). Trawl licenses that do not qualify to retain any of their area endorsements will be revoked in entirety.**
- ~~2.4.~~ Initial License Recipients. Licenses will be issued to owners (as of June 17, 1995) of qualified vessels. The owners as of this date must be “persons eligible to document a fishing vessel” under Chapter 121, Title 46, U.S.C. In cases where the vessel was sold on or before June 17, 1995, and the disposition of the vessel’s fishing history for license qualification was not mentioned in the contract, the license qualification history would go with the vessel. If the transfer occurred after June 17, 1995, the license qualification history would stay with the seller of the vessel unless the contract specified otherwise.
- ~~3.5.~~ License Designations. Licenses and endorsements will be designated as Catcher Vessel or Catcher Processor and with one of three vessel length classes (less than 60 ft, greater than or equal to 60 ft but less than 125 ft, or greater than or equal to 125 ft LOA). Vessels less than 60 ft LOA with a catcher vessel designation may process up to 1 mt (round weight) of fish per day. Southeast Outside endorsements will be designated for use by legal fixed gear only.

General licenses will also contain a gear designation (trawl gear, non-trawl gear, or both) based on landings activity in any area through June 17, 1995. Vessels that used both trawl and non-trawl gear during the original qualification period would receive both gear designations, while vessels that used only trawl gear or only non-trawl gear during the original qualification period (general or endorsement period) would receive one or the other. For vessels that used only one gear type (trawl/non-trawl) in the original qualification period, and then used the other gear type between June 18, 1995 and February 7, 1998, the license recipient may choose one or the other gear

designation, but will not receive both. For vessels that used only one gear type (trawl/non-trawl) in the original qualification period, but made a significant financial investment towards conversion to the other gear type or deployment of such gear on or before February 7, 1998, and made landings on that vessel with the new gear type by December 31, 1998, the license recipient may choose which gear designation to receive, but not both. A significant financial commitment is defined as a minimum purchase of \$100,000 worth of equipment specific to trawling or having acquired groundline, hooks or pots, and hauling equipment for the purpose of prosecuting the non-trawl fisheries on or by February 7, 1998.

4-6. Who May Purchase Licenses. Licenses may be transferred only to “persons” defined as those “eligible to document a fishing vessel” under Chapter 121, Title 46, U.S.C. Licenses may not be leased.

5-7. Vessel/License Linkages. Licenses may be transferred without a vessel, i.e., licenses may be applied to vessels other than the one to which the license was initially issued. However, the new vessel is still subject to the license designations, vessel upgrade provisions, “20 percent upgrade rule” (defined in provision seven), and the no leasing provision. Licenses may be applied to vessels shorter than the maximum LOA allowed by the license regardless of the vessel’s length designation. Vessels may also use catcher processor licenses on catcher vessels. However, the reverse is not allowed.

Notwithstanding the above, licenses earned on vessels that did not hold a Federal fisheries permit prior to October 9, 1998, may be transferred only if the vessel originally assigned the license is transferred along with the license, unless a fishing history transfer occurred prior to February 7, 1998, in which case the vessel does not have to accompany the license earned from that fishing history; however, any future transfer of that license would have to include that vessel.

6-8. Separability of General Licenses and Endorsements. General licenses may be issued for the BSAI groundfish, GOA groundfish, and BSAI crab fisheries. Those general licenses initially issued to a person based on a particular vessel’s catch history are not separable and shall remain as a single “package”. General licenses transferred after initial allocation shall remain separate “packages” in the form they were initially issued, and will not be combined with other general groundfish or crab licenses the person may own. **Except for some AI endorsements, area endorsements are not separable from the general license they are initially issued under, and shall remain as a single “package”, which includes the assigned catcher vessel/catcher processor and length designations. (Details on the exception are provided in Section 3.3.1.1 of the BSAI FMP).**

7-9. Vessel Replacements and Upgrades. Vessels may be replaced or upgraded within the bounds of the vessel length designations and the “20 percent rule”. This rule was originally defined for the vessel moratorium program. The maximum LOA with respect to a vessel means the greatest LOA of that vessel or its replacement that may qualify it to conduct directed fishing for groundfish covered under the license program, except as provided at § 676.4(d). The maximum LOA of a vessel with license qualification will be determined by the Regional Administrator as follows:

- a. For a vessel with license qualification that is less than 125 ft LOA, the maximum LOA will be equal to 1.2 times the vessel’s original qualifying length or 125 ft, whichever is less; and
- b. For a vessel with license qualification that is equal to or greater than 125 ft, the maximum LOA will be equal to the vessel’s original qualifying length.

If a vessel upgrades under the “20 percent rule” to a length which falls into a larger license length designation after June 17, 1995, then the vessel owner would be initially allocated a license and endorsement(s) based on the vessel’s June 17, 1995 length. Those licenses and endorsements

could not be used on the qualifying vessel, and the owner would be required to obtain a license for that vessel's designation before it could be fished.

- ~~8-10.~~ License Ownership Caps. No more than 10 general groundfish licenses may be purchased or controlled by a "person", with grandfather rights to those persons who exceed this limit in the initial allocation. Persons with grandfather rights from the initial allocation must be under the 10 general license cap before they will be allowed to purchase any additional licenses. A "person" is defined as those eligible to document a fishing vessel under Chapter 121, Title 46, U.S.C. For corporations, the cap would apply to the corporation and not to share holders within the corporation.
- ~~9-11.~~ Vessel License Use Caps. There is no limit on the number of licenses (or endorsements) that may be used on a vessel.
- ~~10-12.~~ Changing Vessel Designations. If a vessel qualifies as a catcher processor, it may select a one time (permanent) conversion to a catcher vessel designation.
- ~~11-13.~~ Implement a Skipper Reporting System. NMFS will implement a skipper reporting system that requires groundfish license holders to report skipper names, addresses, and service records.
- ~~12-14.~~ Vessels Targeting Non-groundfish Species. Vessels targeting non-groundfish species that are allowed to land incidentally taken groundfish species without a Federal permit before implementation of the groundfish license program, will be allowed to continue to land bycatch amounts of groundfish without having a valid groundfish license. Additionally, vessels targeting sablefish and halibut under the individual fishing quota (IFQ) program will continue to be allowed to retain bycatch amounts of groundfish species.
- ~~13-15.~~ Community Development Quota Vessel Exemption. Vessels less than 125 ft LOA obtained under an approved community development quota (CDQ) plan to participate in both CDQ and non-CDQ fisheries will be allowed to continue to fish in the GOA groundfish fisheries without a license, provided such vessel was under construction or operating in an existing community development plan as of October 9, 1998. If the vessel is sold outside the CDQ plan, the vessel will no longer be exempt from the rules of the license program.
- ~~14-16.~~ Lost Vessels. Vessels that qualified for the moratorium and were lost, damaged, or otherwise out of the fishery due to factors beyond the control of the owner and which were replaced or otherwise reentered the fishery in accordance with the moratorium rules, and which made a landing any time between the time the vessel left the fishery and June 17, 1995, will be qualified for a general license and endorsement for that area.
- ~~15-17.~~ Licenses Represent a Use Privilege. The Council may alter or rescind this program without compensation to license holders; further, licenses may be suspended or revoked for (serious and/or multiple) violations of fisheries regulations.

p. A-11, Appendix A, A.1 Amendments to the FMP

Amendment 82 implemented _____, revised Amendment 58:

Revoked Western GOA and Central GOA area endorsements on trawl groundfish licenses unless the license met historical trawl groundfish landings criteria.