

Amendment 99
to the Fishery Management Plan for Groundfish of the
Bering Sea and Aleutian Islands Management Area

Deletions are stricken and additions are in bold.

1. Section 3.3.1.1, Elements of the License Limitation Program, is revised to read as follows:

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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 equal to 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.

The maximum length overall of a non-AFA trawl catcher/processor replacement vessel (see Section 3.7.5.8.3) is 295 feet LOA (i.e., 295 feet maximum LOA).

For LLP licenses that are endorsed for the longline catcher processor subsector, as defined at section 219(a)(6) of Public Law 108-447, and which are not also endorsed for use in the Pacific cod pot fisheries in the BSAI and/or the GOA (see following subsection), the maximum length overall is 220 feet.

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.

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9. Vessel Replacements and Upgrades. Generally, 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;

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; ~~and~~

c. For an Amendment 80 replacement vessel that is named on an Amendment 80 LLP license, the maximum LOA is 295 feet (see section 3.7.5.8.3); **and**

d. For a vessel named on an LLP license endorsed to participate in the longline catcher processor subsector, as defined at section 219(a)(6) of Public Law 108-447, the maximum LOA is 220 feet LOA, unless that LLP license is also endorsed for use in Pacific cot pot fisheries in the GOA and/or the BSAI.

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2. In Section 3.3, Permit and Participation Requirements, a new section is added as follows:

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3.3.3 Certificate of Documentation

In order to participate in a U.S. fishery, a vessel must obtain a certificate of documentation with a fishery endorsement either from the U.S. Coast Guard or United States Maritime Administration (MARAD) (46 U.S.C. 12102(a) and 12151(b)). Vessels greater than 100 feet in length must receive this documentation through MARAD. The American Fisheries Act (AFA), Title II, Division C, Public Law 105-277, amended the fishery endorsement provisions that restrict vessel replacement (46 U.S.C. 12102(c)(6)) to prohibit vessels greater than 165 feet in length, or more than 750 gross registered tons, or with engines capable of producing more than 3,000 shaft horsepower, from entering fisheries unless the vessel carried a fisheries endorsement prior to September 25, 1997, or the Council has recommended, and the Secretary has approved, a conservation and management measure to allow the vessel to be used in fisheries under its authority. MARAD has adopted implementing regulations at 46 C.F.R. 356.47(a) and (c) that mirror 46 U.S.C. 12102(c)(6), as amended by the AFA.

3.3.3.1 Longline Catcher Processor Subsector

Any vessel named on an LLP license endorsed for participation in the longline catcher processor subsector, as defined at section 219(a)(6) of Public Law 108-447, which is greater than 165 feet in registered length, of more than 750 gross registered tons, or that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower, is authorized for use in the EEZ under the jurisdiction of the North Pacific Fishery Management Council, and is eligible to receive a certificate of documentation consistent with 46 U.S.C. 12113(d) and

MARAD regulations at 46 C.F.R. 356.47.

3.3.3.2 Amendment 80 Vessels

Any Amendment 80 replacement vessel that is greater than 165 feet in registered length, of more than 750 gross registered tons, or which has an engine or engines capable of producing a total of more than 3,000 shaft horsepower, is authorized for use in the EEZ under the jurisdiction of the North Pacific Fishery Management Council is eligible to receive a certificate of documentation consistent with 46 U.S.C. 12113(d) and MARAD regulations at 46 C.F.R. 356.47.

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3. Appendix A is amended to add the following text in Section A.1, Amendments to the FMP, in chronological amendment order as follows (insert amendment implementation date):

* * *

Amendment 99, implemented on _____:

Allows holders of license limitation program (LLP) licenses endorsed to catch and process Pacific cod in the Bering Sea/Aleutian Islands hook-and-line fisheries to use their LLP license on larger newly built or existing vessels by:

- 1. Increasing the maximum vessel length limits of the LLP license, and**
- 2. Waiving vessel length, weight, and horsepower limits of the American Fisheries Act.**

4. Revisions as necessary to the Table of Contents.

5. In alphabetical order, add the following acronym to the list included at the beginning of the FMP:

MARAD United States Maritime Administration.

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