



# NOAA FISHERIES

## Sustainable Fisheries Alaska Region

# Central Gulf of Alaska Rockfish Program Informational Guide

Last updated November 25, 2015

This Small Entity Compliance Guide satisfies the Small Business Regulatory Enforcement Fairness Act of 1996 that requires a plain language guide to assist small entities. If you are required to comply with the regulations, you should consult and rely on the actual regulatory text. We cite the Code of Federal Regulations (CFR) throughout this document, and provide citations for specific regulations for your reference. These regulations are available online at the electronic CFR (eCFR) [Web site](#),<sup>1</sup> which is updated more frequently.

Central Gulf of Alaska Rockfish Program regulations can be found under Title 50, Part 679. An easier to read version of the regulations is available on the NMFS Alaska Region Sustainable Fisheries Division [Web site](#),<sup>2</sup> however, it is important to note that these regulations are not updated regularly.

**The regulations in the CFR take precedence if a discrepancy occurs between them and the information in this guide or the version on the Alaska Region Web site.**

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<sup>1</sup> Electronic Code of Federal Regulations: <http://www.ecfr.gov/>

<sup>2</sup> Alaska Fisheries Regulations and Notices: <http://alaskafisheries.noaa.gov/fisheries-679regs>

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## General Program Overview

### **Background**

The rockfish fisheries managed under this program are conducted in federal waters near Kodiak, Alaska, primarily by trawl vessels, and to a lesser extent by longline vessels. Prior to 2007, the Central Gulf of Alaska, (GOA) rockfish fisheries were managed under the License Limitation Program (LLP). The LLP required harvesters to hold an LLP license to participate in GOA fisheries, but did not provide specific exclusive harvest privileges to LLP license holders. From 2007 to 2011, these rockfish fisheries were managed under the Rockfish Pilot Program, which was designed to enhance resource conservation and improve economic efficiency in the rockfish fisheries by establishing cooperatives that receive exclusive harvest privileges. The North Pacific Fishery Management Council adopted the Central Gulf of Alaska Rockfish Program (Rockfish Program) on June 14, 2010, to replace the existing Rockfish Pilot Program scheduled to expire December 31, 2011. The Rockfish Program includes similar implementation, management, monitoring, and enforcement measures to those developed for and used in the Pilot Program. The Rockfish Program is authorized for 10 years, until December 31, 2021.

### **Rockfish Program Species**

Exclusive harvesting privileges are allocated to trawl catcher vessels and catcher/processors under the Rockfish Program for rockfish primary and secondary species. Rockfish Primary Species are northern rockfish, Pacific ocean perch, and pelagic shelf rockfish (changed to dusky rockfish in 2012). Rockfish Secondary Species are Pacific cod, roughey rockfish, shorttraker rockfish, sablefish, and thornyhead rockfish.

## **Rockfish Quota Share**

### **Eligibility**

LLP license holders were eligible to receive rockfish quota share (QS) if the LLP license made targeted legal landings of rockfish primary species during the qualifying years 2000 through 2006, or participated in the Pilot Program entry level trawl fishery in 2007, 2008, or 2009. LLP license holders may forgo rockfish QS and be exempted from specific sideboard limits if the LLP license made legal landings in both 2000 through 2006 and in the entry level trawl fishery during 2007, 2008, or 2009. An LLP license holder must apply for the voluntary exclusion during the initial QS application process. An application to receive rockfish QS must have been received by NMFS by 5 p.m., Alaska local time, on January 17, 2012, or if mailed, postmarked by that date.

### **Initial QS Allocations**

LLP licenses that received initial allocations based on landings (best 5 of 7 years) between 2000 and 2006 were collectively allocated 97.5 percent of the total allowable catch (TAC). LLP licenses that received initial allocations for participating in the Pilot Program entry level trawl fishery in 2007, 2008, 2009 received 2.5 percent of the TAC.

## **Cooperative fishing quota**

On an annual basis, the holder of an LLP license with rockfish QS must assign that LLP license to a rockfish cooperative in order to participate in the Rockfish Program. Rockfish QS can only be fished through cooperative membership. No minimum number of LLP licenses is required to form a cooperative. The designated representative of the rockfish cooperative submits a timely application to NMFS and receives an annual cooperative fishing quota (CQ). The annual application for cooperative fishing quota was due March 15, 2012, for the first year of the program, and March 1 for all subsequent years. The CQ permit authorizes an amount of rockfish primary and secondary species, and halibut PSC for harvest in that fishing year. It is derived from the collective rockfish QS of the LLP licenses held by the cooperative members. Halibut PSC is allocated to each sector based on a 12.5 percent reduction of the average total halibut PSC used from 2000 through 2006. An amount of 55 percent of unused CQ halibut PSC is added to the last seasonal apportionment during the current fishing year. The resulting 45 percent is not available for the last seasonal apportionment or for transfer. The annual fishing season for vessels participating in a rockfish cooperative is authorized from May 1 through November 15.

### **Catcher Vessel Rockfish Cooperative**

Persons holding rockfish QS in the catcher vessel sector may only form a cooperative with other persons holding rockfish QS in that same sector. Each catcher vessel cooperative must form an association with a shoreside processor located within the geographic boundaries of the City of Kodiak. The annual allocation of CQ for the catcher vessel sector is listed below.

#### *Rockfish primary species*

- Based on member QS

#### *Rockfish secondary species*

- 3.81% of Pacific cod TAC
- 6.7% of sablefish TAC
- 7.84% of thornyhead rockfish TAC
- Rougheye/shortraker rockfish maximum retainable amount (MRA) may not exceed 9.72% of TAC

#### *Halibut PSC*

- Based on member QS
- Calculation based on 2000–2006 data with a 12.5% reduction
- 117.3 mt to cooperatives
- 16.8 mt remains unallocated and stays “in the water.”

### **Catcher/processor Rockfish Cooperative**

Persons holding rockfish QS in the catcher/processor sector may only form cooperatives with other persons holding catcher/processor rockfish QS. The annual allocation of CQ for the catcher/processor sector is listed below.

#### *Rockfish primary species*

- Amount based on member QS

#### *Rockfish secondary species*

- Pacific cod MRA
- 3.51% of sablefish TAC
- 40% of shortraker rockfish TAC
- 58.87% of rougheye rockfish TAC
- 26.50% of thornyhead rockfish TAC

#### *Halibut PSC*

- Amount based on member QS
- Calculation based on 2000–2006 data with a 12.5% reduction
- 74.1 mt allocated
- 10.6 mt remains in the water

### **Transfer of CQ**

Vessels in a rockfish cooperative may not begin a new fishing trip for that cooperative unless the cooperative holds unused CQ for all rockfish primary species and secondary species. A catcher

vessel rockfish cooperative may transfer rockfish CQ to another rockfish cooperative in the same sector. A catcher/processor rockfish cooperative may transfer rockfish CQ to catcher/processor or catcher vessel cooperatives. However, a catcher/processor rockfish cooperative may not transfer rougheye or shorttraker rockfish CQ to a catcher vessel rockfish cooperative because those species are managed under an MRA for catcher vessels. A minimum of 2 LLP licenses in each cooperative is required to transfer CQ. Transfer of CQ will be valid only during the calendar year of the transfer. All post-delivery transfers will need to be completed by December 31. Halibut PSC CQ is not available for transfer after November 15 of each year, or after a cooperative termination of fishing declaration has been received by NMFS.

### **Opt-out Vessels**

Each year, holders of catcher/processor QS may opt-out of participating in a rockfish cooperative. Participants that choose to “opt-out” forgo the opportunity to fish rockfish primary species. NMFS will assume a rockfish eligible harvester has opted-out of participating in a rockfish cooperative if his or her LLP license with assigned rockfish QS is not named on a timely Annual Application for Cooperative Fishing Quota.

Catcher/processor opt-out vessels are subject to opt-out sideboards and collectively share the portion of each rockfish sideboard limit not assigned to rockfish cooperatives. See Sideboards for information on opt-out sideboard limitations.

### **Eligibility for Processors**

Processors are not required to meet historical eligibility requirements to receive primary or secondary species fish harvested by rockfish cooperatives. A rockfish processor is any shoreside processor with a Federal processor permit that receives groundfish harvested under the authority of a rockfish CQ permit. In order to receive rockfish CQ, that shorebased processor would also need to be located within the boundaries of the City of Kodiak and have an approved catch monitoring and control plan (CMCP). The processor is not required to be in business as of the effective date of this rule to qualify to receive rockfish CQ. The association requirement between a catcher vessel cooperative and shoreside processor encourages harvesters and processors to discuss and possibly coordinate fishing plans as part of the application process to form a rockfish cooperative. Membership agreements must specify that processor affiliated cooperative members cannot participate in price setting negotiations except as permitted by antitrust laws.

### **Use Caps**

The Rockfish Program applies four types of use caps to limit the amount of rockfish QS and CQ that may be harvested by harvesters and processors: (1) a cap on the amount of QS an eligible rockfish harvester may hold or use; (2) a cap on the amount of rockfish primary species CQ that a rockfish cooperative may hold or use; (3) a cap on the amount of rockfish primary species CQ that a vessel may harvest; and (4) a limit on the amount of rockfish primary species an eligible rockfish processor may receive or process. Grandfather provisions allowed persons to retain amounts of initial allocations of rockfish QS and resulting CQ in excess of the use caps. Grandfather provisions apply to persons that held QS in excess of the use caps prior to the date of final Council action, June 14, 2010. Table 1 shows the use caps under the Rockfish Program.

Table 1. Rockfish Program Use Caps.

1. A person may not hold or use more than: <ul style="list-style-type: none"> <li>• 4% of the QS assigned to the catcher vessel sector.</li> <li>• 40% of the QS assigned to the catcher/processor sector.</li> </ul>
2. CV cooperative may not hold or use more CQ than: <ul style="list-style-type: none"> <li>• 30% QS assigned to the catcher vessel sector.</li> </ul>
3. A vessel may not be used to harvest more than: <ul style="list-style-type: none"> <li>• 8% CQ issued to the catcher vessel sector.</li> <li>• 60% CQ issued to the catcher/processor sector.</li> </ul>
4. Processors may not receive or process more than: <ul style="list-style-type: none"> <li>• 30% CQ issued to the catcher vessel sector (rockfish primary species, Pacific cod, and sablefish).</li> </ul>

### **Sideboards (in effect July 1–31)**

Sideboards limit the ability of rockfish harvesters to expand into other fisheries beyond historic participation levels. Sideboards apply to federally permitted vessels fishing in federal waters and waters adjacent to the Central GOA when the harvest of rockfish primary species by that vessel is deducted from the federal TAC. Sideboards limit both the LLP license with rockfish QS assigned to it, and the vessel on which legal landings were made that generated the rockfish QS. Sideboard measures are in effect only during the month of July when the Central GOA rockfish fisheries were traditionally open. Sideboard limitations fall into two broad categories: (1) a limit that constrains the amount of harvest in specific regions and fisheries during July; and (2) directed fishery closures that prohibit fishing in specific fisheries and regions during July.

LLP license holders who choose to be voluntarily excluded from the entire Rockfish Program at initial QS issuance are exempted from sideboard restrictions. Some catcher vessels are also exempt from sideboard limits if the vessel (1) is an AFA catcher vessels that is not exempt under AFA regulations; (2) was voluntarily excluded from the Rockfish Program; and (3) is assigned an LLP license that has been voluntarily excluded from the Rockfish Program.

Table 2 shows sideboard limits for the catcher vessel and catcher/processor sectors, including opt-out vessels.

Table 2. Rockfish Program Sideboard Limits

Sector	Sideboard limit
Catcher vessel	Prohibited fishing restrictions: <ul style="list-style-type: none"> <li>• West Yakutat District/Western GOA (rockfish primary species)</li> <li>• Deep-water complex—arrowtooth flounder, deep-water flatfish, rex sole</li> </ul>
Catcher/processor	<ul style="list-style-type: none"> <li>• West Yakutat/Western GOA limitation (rockfish primary species)</li> <li>• Deep- and shallow-water halibut PSC limit</li> <li>• Prohibited from fishing rockfish primary species in the Western GOA and West Yakutat District for non-Amendment 80 vessels</li> </ul>
Catcher/processor opt-out vessels	<ul style="list-style-type: none"> <li>• Prevents directed fishing in GOA groundfish fisheries without previous participation in 2000–2006</li> <li>• Prohibit directed fishing for rockfish primary species in Western GOA and West Yakutat for non-Amendment 80 vessels</li> </ul>

### **Chinook Salmon PSC Limitations – Implemented in 2015**

The Rockfish Program trawl catcher vessels are limited to a collective limit of 1,200 Chinook salmon each year while fishing in the Rockfish Program. If the Rockfish Program trawl catcher vessels reach the Chinook salmon limit, directed fishing by this sector will be prohibited.

On October 1, if it is determined that more than 150 Chinook salmon from the Rockfish Program catcher vessel limit will not be caught, the available Chinook salmon limit minus 150 fish will be reallocated to the non-Rockfish Program catcher vessel Chinook salmon limit.

Trawl catcher/processor vessels fishing in the Gulf of Alaska will be subject to a limit of 3,600 Chinook salmon, or, 4,080 Chinook salmon if the previous year's catch of Chinook salmon did not exceed 3,120 fish. This limit will accrue from both vessels fishing inside and outside of the Rockfish Program, and it will prohibit directed fishing for vessels both fishing inside and outside of the Rockfish Program.

The trawl catcher/processor sector will also have a seasonal limit before June 1 of either 2,376 or 2,693 Chinook salmon. The catcher/processor limits will be published each year in the Gulf of Alaska groundfish harvest specifications.

### **Monitoring and Enforcement**

Monitoring provisions monitor compliance with the Rockfish Program to ensure that rockfish QS holders maintain catches with annual rockfish CQ allocations, rockfish sideboard limits, and use caps. NMFS uses 5 primary tools for monitoring participants in the Rockfish Program. Specifically, NMFS:

1. Requires observers aboard vessels that are operating in a rockfish cooperative or a rockfish sideboard fishery to adequately account for catch and bycatch in the fishery. NMFS requires 100 percent observer coverage for catcher vessels when checked-in; 200 percent observer coverage for catcher/processors fishing in sideboard fisheries or under the authority of a rockfish CQ permit; and 100 percent observer coverage for catcher/processor opt-out vessels in the month of July only.
2. Requires that vessels participating in a rockfish cooperative or a rockfish sideboard fishery carry and use a NMFS-approved vessel monitoring system transmitter,
3. Requires that catcher/processors in a rockfish cooperative or rockfish sideboard fishery follow specified catch handling procedures prior to processing,
4. Requires the weighing of all catch from rockfish cooperatives on NMFS- or state-approved scales, and
5. Requires that shoreside processors receiving rockfish CQ operate under a NMFS-approved CMCP. A CMCP specialist monitors rockfish deliveries to ensure compliance with the CMCP of any processor receiving program landings, and assists processors with rockfish species identification to ensure accurate catch sorting and quota accounting. Shoreside processors are not required to be operating under an approved CMCP to receive groundfish harvested in the entry level longline fishery.

### Cost Recovery

NMFS assesses a fee on the ex-vessel value of rockfish primary species and rockfish secondary species CQ harvested by rockfish cooperatives in the Central GOA and waters adjacent to the Central GOA when rockfish primary species caught by that vessel are deducted from the federal TAC. The fee liability payment is a maximum of 3 percent of the ex-vessel value of rockfish primary and secondary species. The fee liability letter will be sent to the rockfish cooperative designated representative. Payment is due, from each rockfish cooperative, on February 15 of the following year. Halibut PSC CQ will not be subject to a cost recovery fee because that halibut cannot be retained for sale and, therefore, does not have an ex-vessel value. The entry level longline fishery and opt-out vessels are not subject to cost recovery fees.

### Entry level longline fishery

The entry level fishery is available for harvesters who are directed fishing for rockfish primary species using longline gear only. Longline gear includes jig and hook-and-line gear. Catcher vessels fishing under a CQ permit are allowed to participate in the entry level longline fishery as long as the catcher vessel cooperative's designated representative submits a check-out report for the vessel. The entry level fishery season is from January 1 through November 15 of each year. A participant is not required to submit an application to NMFS. Participants in the entry level longline fishery may deliver their harvest to any shorebased processing facility in any community in the GOA. The annual set aside of the TAC for the entry level longline fishery increases annually, to a predetermined cap, if the fishery harvests  $\geq 90$  percent of its allocation of a species in the previous year. Table 3 shows the 2012 initial allocations for each rockfish primary species, the incremental increase for future seasons, and the cap for the entry level longline fishery. Any increases will be published in the Gulf of Alaska groundfish harvest specifications each year.



Table 3. Entry Level Longline Fishery Allocation

Rockfish Primary Species	Initial Allocation	Incremental Increase per Season if $\geq$ 90% of Allocation is	Up to Maximum % of TAC
Pacific ocean perch	5 metric tons	5 metric tons	1%
Northern rockfish	5 metric tons	5 metric tons	2%
Pelagic shelf rockfish	30 metric tons	20 metric tons	5%