

catching for the previous several years, the Council decided to reallocate unused jig quota to a similar small-vessel sector. A substantial percentage of the unused jig quota, however, likely will continue to be reallocated to the hook-and-line catcher processor sector in the last few months of the year due to the seasonal allocations; the small boat sector is unlikely to be able to use quota later in the year. Hence, this action represents a compromise in which the interests of each sector with a stake in the outcome were taken into consideration.

The RIR analyzed the change in the amount of TAC that the affected sectors would receive as a result of the change in rollover provisions. According to the analysis, since the implementation of Amendment 64, cod quota allocated from the jig sector has accounted for about 3.3 percent of the hook-and-line catcher processors' total catch and 0.5 percent of the pot sector's total catch. If unharvested jig gear quota is reallocated to the small catcher vessel sector, the RIR estimates the maximum annual potential loss from the hook-and-line sector at 3.7 percent of their catch, and 0.9 percent from the pot sector. This additional quota would be more than twice the amount of quota the small catcher vessel sector has received under its 1.4 percent allocation under Amendment 64. This estimate of reduced catch for the hook-and-line catcher-processors assumes that the small catcher vessel sector can harvest all of the unused TAC from the jig sector, which averaged 3,671 mt during 1995–2001. However, that does not take into account the effect of the seasonal quotas implemented under the final rule, under which the entire 40 percent allocation for the last four-month period, and perhaps some of the second four-month period reallocation, will most likely be reallocated to the catcher-processors because the small catcher vessels will not be able to use it; in the last four-month period, weather conditions likely would preempt the small boat fleet from operating. Furthermore, as of September 1, when the Pacific cod B season for pot catcher vessels greater than or equal to 60 ft (18.3 m) opens, small pot catcher vessels would be fishing, along with the larger catcher vessels, from the general pot catcher vessel allocation, which is 15 percent of the fixed gear TAC.

*Comment 7:* The proposed reallocation of unused jig gear TAC is consistent with the Council's intent to develop economic stability for the small boat fleet in coastal communities that service that fleet, as demonstrated by establishing a special jig quota.

However, the realities of markets, safety, weather and technology have supported little growth in the jig gear sector. Small pot gear boats and hook-and-line gear boats support the same coastal communities that the jig quota was intended to benefit, with similar employment characteristics, harvest rates, discard performance, bycatch performance, coastal community ties and technology limitations. All of these smaller vessels support shore-based processors and the community of Dutch Harbor, and many of the same people working on small pot boats also work on the small jig vessels. The small boat fleet is more likely to employ Alaskan crew members who live in coastal communities and will spend dollars in those communities.

The Council's rollover requirement is consistent with the original intent of the allocation to the jig sector, which was to develop economic stability for the small boat fleet in Alaska's coastal communities. The economic well being of the less than 60 ft (18.3 m) LOA hook-and-line and pot vessels is also important to Alaska's coastal communities, and the rollover provisions in Amendment 77 provide a fair allocation to those sectors.

*Response:* NMFS agrees that the Council's intent in allotting 2 percent of the Pacific cod quota to the jig fleet was to provide additional fishing opportunities for relatively small vessels and benefit the coastal communities where they are based. This action modifies the direction of the reallocation of unused jig quota, consistent with the Council's original intent to provide support for the small boat fleet.

*Comment 8:* In adopting Amendment 77, the Council created a well-structured compromise to distribute the unused portion of the jig sector's Pacific cod allocation between catcher vessels less than 60 ft (18.3 m) LOA and the hook-and-line catcher/processor fleet. Under the proposed requirements, vessels less than 60 ft (18.3 m) LOA will have the opportunity to harvest the unused jig gear allocation in the first eight months of the year. These small boats have limited fishing opportunities in the last four months due to weather and other factors, so a significant portion of the unused jig quota will be made available to the hook-and-line catcher/processor fleet during these months.

*Response:* See response to Comment 7.

*Comment 9:* The effect of this Council action is very minor in terms of the freezer longliner sector, less than 2 percent of their annual catch, but the

benefit to the less than 60 ft (18.3 m) LOA fixed gear sector is of huge significance in providing enough quota for a viable fishery. This reallocation is supported in the draft EA and has the support of many small boat fishermen.

*Response:* NMFS notes this position.

*Comment 10:* The 2-percent jig quota was not designed to benefit all small vessels. Instead, it was meant to provide an entry-level opportunity for jig fishermen only; rollovers were to go to freezer-longliners, as originally negotiated.

*Response:* Regardless of prior negotiation among industry representatives, Council action on Amendment 77 recommended a change to the regulations governing the reallocation of unharvested jig gear TAC. The Council's recommended change has been approved by NMFS. The effect of this change is to provide increased potential benefits from unused jig gear TAC to small catcher vessels. Catcher processor vessels, however, may still enjoy some of the benefit from this reallocated jig TAC to the extent that small catcher vessels are not able to harvest all of it.

*Comment 11:* Any increase to the allocation to the less than 60 ft (18.3 m) sector should occur with all gear groups under consideration and not just fixed gear. NMFS needs to continue current allocations as a means of maintaining stability for this fully utilized resource.

*Response:* This action was not intended to reconsider the allocations among the trawl, fixed gear, and jig gear sectors of the BSAI Pacific cod fishery. Amendment 77 does not change the overall Pacific cod allocations that were established in Amendment 46, nor does it change the allocations to the hook-and-line catcher processor sector, hook-and-line catcher vessel sector, or combined pot gear sectors established in Amendment 64. The only changes are a further split between the two pot gear sectors, and a change in the reallocation of unused jig gear TAC during a fishing year. NMFS does not agree that a decision about the reallocation of this relatively small amount of TAC must reopen the question of all allocations for Pacific cod in the BSAI. Amendment 64 contained a sunset provision partly so that fixed gear allocation issues could be revisited. The EA/RIR prepared for this action supports the contention that any of the options for reallocation of unused jig gear considered by the Council would maintain the desired stability.

*Comment 12:* When Amendment 67 was adopted, the Council exempted catcher vessels less than 60 ft (18.3 m) LOA from the requirement of having made recent landings to qualify for