

National Marine Fisheries Service  
Alaska Region  
Inseason Management Highlights for June – September 2002

September 26, 2002

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### **Bering Sea and Aleutian Islands**

#### **Pollock-Bering Sea**

The shoreside and offshore processors are completing their 2002 harvest. Seventeen catcher/processors (c/ps), eight shore plants using ninety catcher vessels, and three motherships have taken 1,195,842 mt of their 1,292,040 mt directed fishery allocation through the week ending September 21. Bycatch of pollock in other groundfish fisheries is low enough that 9,000 mt has been reallocated from the incidental catch account to the directed fisheries. Catch of 'other' salmon in the catcher vessel operation area has taken the 38,850 non-CDQ other salmon limit and the chum salmon savings area closed as of September 21. This is the second time that the limit has been taken. The savings area was previously closed in 1994.

#### **Flatfish**

The rock sole/'other flatfish'/flathead sole fishery was closed for the duration of 2002 on July 29. The fishery has taken about 53,000 mt of groundfish and 830 mt of halibut mortality.

The yellowfin sole fishery including as many as 21 c/ps has taken about 970,000 mt of groundfish and 944 mt of halibut mortality through October 1. The fishery may last into mid to late October as the remaining trawl halibut mortality limit is expended.

The Greenland turbot fishery with hook-and-line gear has taken about 3,700 mt of groundfish and generated 30 mt of halibut mortality. The fishery has experienced declining effort by hook-and-line c/ps. In 2002 a maximum of 6 c/ps showed in a single week compared to 18 in 2001 and 28 in 2000.

The trawl c/ps have taken about 400 mt of groundfish in the turbot target this is also a decline over the last few years. This is a 'top off' fishery where turbot are taken as a percentage of other groundfish, usually flathead sole.

The amount of groundfish in the trawl arrowtooth flounder target has increased over the last several years by about 2.5 times from 1300 mt in 1999 to more than 3,300 mt in 2001. About 2,700 mt have been taken so far in 2002.

While the Greenland turbot and arrowtooth flounder fisheries are not open 'directed' fisheries for trawl gear, groundfish and prohibited species catch (e.g. halibut) accrue to those targets as processors retain these 'bycatch' species in conjunction with open

fisheries. Targets are created as the bycatch species are taken in reporting areas other than where the open fisheries occur.

### **Atka mackerel**

Ten catcher processors registered for the B season harvest limitation area (HLA) 'platoon' fisheries in 542. Of those 10, 8 registered in 543. Preliminary catch data indicates in area 542, 42% of the B season allowance was taken inside the HLA, in area 543, 53% was taken. The HLA limit is 60%. The directed fishery outside the HLA in area 542 and 543 is on going and is expected to close late the week of September 22.

Over the last two years this fishery has been closed in September to prevent overfishing of northern rockfish. In 2000 and 2001 episodes of higher northern rockfish bycatch in both the A and B seasons were in the range of 10% to 15%. This year the rate of northern rockfish catch in the Atka mackerel fishery remained below 10%.

### **Pacific cod**

The catcher processor hook-and-line fishery opened August 15. The average weekly catch is about 3,300 mt with 38 c/ps participating. The fishery is expected to take the remaining Pacific cod allocation of about 30,000 mt plus the rollover from trawl and jig gear by late October.

The pot fishery opened September 1. In 2001 the pot component took about 16,506 mt leaving 963 mt of their annual allocation. Their fall fishery accounted for about 25% of their catch. This year early effort in the B season doesn't appear to be as strong as 2001. About 6,000 mt remain in the pot allocation.

Reallocations of Pacific cod from the trawl and jig components to the hook-and-line and pot gear are being processed this week. The transfer is expected to move 3,000 mt from the trawl c/ps, 1,000 mt from trawl catcher vessels and 3,400 mt from the jig fishery to primarily the hook-and-line c/ps with smaller amounts going to hook-and-line catcher vessels and pot gear.

### **Pacific Ocean Perch**

The Aleutian Islands Pacific ocean perch fishery opened June 30. Across the three districts about 80% of the three TACs were taken, 9,200 mt of the 11,268 mt available. Five c/ps were active.

### **Gulf of Alaska**

#### **Trawl gear**

The rockfish fisheries began June 30. The two primary targets are Pacific ocean perch and northern rockfish with a bycatch of sablefish. The Pacific ocean perch TACs were taken at about the 100% level (with some relatively small overages) in the Western and Central reporting areas. Northern rockfish TACs in the Central and Western districts were closed with small amounts left. Trawl sablefish catch was below the apportionments with the exception of the Central area. Overall 3,000 mt of northern

rockfish, 11,000 mt of Pacific ocean perch and 1,400 mt of sablefish were taken in July by 11 c/ps and 5 shore plants.

The trawl shallow water complex fishery in late July and early August experienced halibut bycatch at rates much higher than had been incurred in recent years, which closed the fishery on August 5. In about a two and a half week period more than 300 mt of halibut mortality were taken. The fishery exceeded the third seasonal allocation of halibut mortality and took the fourth seasonal allocation, which prevented the fishery from opening September 1. Participants in the fishery were predominately delivering to shore plants and focused on rock sole, taking about 1,500 mt.

Halibut mortality taken in the trawl deep water complex, which is driven mainly by the trawl rockfish fishery, closed that complex on August 2.

Trawling will reopen October 1 as a combined deep and shallow water complex fishery.

### **Pacific cod**

#### **Inshore**

The second season for Pacific cod opened on September 1. With the closure of the trawl fisheries the fishery has only been open to hook-and-line, pot and jig gear.

In the Central reporting area, during the July and August trawl fisheries about 2,000 mt Pacific cod were taken while the directed fishery for that species was closed. Leaving about 2,000 mt available on September 1. The inshore fishery was closed on September 27, 2002.

In the Western GOA, about 600 mt were taken incidentally in July and August, leaving 3,000 mt for the September 1 opening. Hook-and-line effort currently has taken about 100 mt and pot gear about half that.

### **Pollock**

Third seasonal fisheries began on August 25<sup>th</sup>. The three fisheries in area 610, 620 and 630 have about taken their seasonal allocations. The exception is in area 630 where catch exceeded the allocation by 3,000 mt, leaving about 800 mt for the last fishery of the year. Catch rates in 630 were about double of rates experienced in the 2001 3<sup>rd</sup> season fishery. The 4<sup>th</sup> seasonal fishery gets underway on October 1.

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2002 BERING SEA & ALEUTIANS GROUND FISH QUOTAS  
AND PRELIMINARY CATCH IN ROUND METRIC TONS

Data are from Weekly Production and Observer Reports through 09/21/02  
Quotas are based on Final Specifications

	TOTAL CATCH	QUOTA	REMAINING QUOTA	% TAKEN	LAST WK CATCH
<b>BERING SEA</b>					
Other Rockfish	362	307	-55	118	15
Pacific Ocean Perch	583	2,227	1,644	26	13
Northern Rockfish	105	16	-89	656	7
Shortraker/Rougheye	93	99	6	94	0
Sablefish (Fixed Gear)	543	772	229	70	3
Sablefish (Trawl)	259	821	562	32	4
Greenland Turbot	2,129	4,958	2,829	43	23
Pollock - Inshore	577,137	646,020	68,883	89	26,670
Pollock - AFA Offshore	506,889	516,816	9,927	98	6,314
Pollock - AFA Mothership	111,816	129,204	17,388	87	8,321
Pollock - Incidental Ctch	35,096	44,460	9,364	79	585
<b>ALEUTIAN ISLANDS</b>					
Other Rockfish	487	575	88	85	32
Pacific Ocean Perch, East	2,489	3,201	712	78	0
Pacific Ocean Perch, Cent	2,774	2,831	57	98	86
Pacific Ocean Perch, West	4,563	5,236	673	87	211
Northern Rockfish	3,306	6,236	2,930	53	933
Shortraker/Rougheye Trawl	377	591	214	64	7
Non-Trawl	99	253	154	39	4
Atka Mackerel - Eastern	4,473	5,037	564	89	49
- Jig	0	51	51	0	0
Atka Mackerel - Central	17,381	22,015	4,634	79	1,693
Atka Mackerel - Western	15,908	18,223	2,315	87	4,038
Sablefish (Fixed Gear)	887	1,530	643	58	4
Sablefish (Trawl)	37	541	504	7	0
Greenland Turbot	363	2,442	2,079	15	24
Pollock - Incidental Ctch	1,012	900	-112	112	70
<b>BERING SEA &amp; ALEUTIANS</b>					
Alaska Plaice	10,948	10,200	-748	107	318
Arrowtooth Flounder	9,317	13,600	4,283	69	241
Flathead Sole	13,873	21,250	7,377	65	272
Other Flatfish	2,420	2,550	130	95	20
Other Species	20,138	26,201	6,063	77	895
Pacific Cod (Trawl - C/P)	34,844	43,475	8,631	80	506
Pacific Cod (Trawl - C/V)	40,400	43,475	3,075	93	312
Pacific Cod (HAL C/P)	62,609	75,080	12,471	83	2,718
Pacific Cod (HAL C/V)	359	282	-77	127	0
Pacific Cod (Pot)	12,661	17,175	4,514	74	704
Pacific Cod (Jig)	164	3,700	3,536	4	0
Rock Sole	40,488	45,900	5,412	88	168
Squid	532	1,675	1,143	32	83
Yellowfin Sole	58,056	73,100	15,044	79	2,632
<b>BOGOSLOF</b>					
Pollock - Incidental Ctch	5	90	85	6	0
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<b>TOTALS:</b>	<b>1,595,982</b>	<b>1,793,115</b>	<b>197,133</b>	<b>89</b>	<b>57,975</b>

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2002 BERING SEA & ALEUTIANS REPORT ON DAP HARVEST  
BY GEAR TYPE

Data are from Weekly Production and Observer Reports through 09/21/02

	TRAWL	H&L	POT	OTHER	TOTAL
BERING SEA					
Other Rockfish	234	126	2	0	362
Pacific Ocean Perch	580	3	0	0	583
Northern Rockfish	100	5	0	0	105
Shortraker/Rougheye	38	54	1	0	93
Sablefish (Fixed Gear)	0	381	163	0	544
Sablefish (Trawl)	258	0	0	0	258
Greenland Turbot	727	1,337	66	0	2,130
Pollock - Inshore	577,136	0	0	0	577,136
Pollock - AFA Offshore	506,888	0	0	0	506,888
Pollock - AFA Mothership	111,816	0	0	0	111,816
Pollock - Incidental Ctch	31,191	3,880	26	0	35,097
ALEUTIAN ISLANDS					
Other Rockfish	286	201	0	0	487
Pacific Ocean Perch, East	2,488	0	0	0	2,488
Pacific Ocean Perch, Cent	2,774	0	0	0	2,774
Pacific Ocean Perch, West	4,563	0	0	0	4,563
Northern Rockfish	3,281	25	0	0	3,306
Shortraker/Rougheye Trawl	377	0	0	0	377
Non-Trawl	0	100	0	0	100
Atka Mackerel - Eastern	4,442	1	30	0	4,473
- Jig	0	0	0	0	0
Atka Mackerel - Central	17,363	19	0	0	17,382
Atka Mackerel - Western	15,891	17	0	0	15,908
Sablefish (Fixed Gear)	0	846	40	0	886
Sablefish (Trawl)	37	0	0	0	37
Greenland Turbot	187	175	1	0	363
Pollock - Incidental Ctch	1,006	6	0	0	1,012
BERING SEA & ALEUTIANS					
Alaska Plaice	10,947	1	0	0	10,948
Arrowtooth Flounder	8,547	620	150	0	9,317
Flathead Sole	13,657	216	0	0	13,873
Other Flatfish	2,345	73	1	0	2,419
Other Species	11,224	8,573	342	0	20,139
Pacific Cod (Trawl - C/P)	34,844	0	0	0	34,844
Pacific Cod (Trawl - C/V)	40,400	0	0	0	40,400
Pacific Cod (HAL C/P)	0	62,609	0	0	62,609
Pacific Cod (HAL C/V)	0	359	0	0	359
Pacific Cod (Pot)	0	0	12,660	0	12,660
Pacific Cod (Jig)	0	164	0	0	164
Rock Sole	40,470	17	0	0	40,487
Squid	532	0	0	0	532
Yellowfin Sole	57,734	299	23	0	58,056
BOGOSLOF					
Pollock - Incidental Ctch	0	5	0	0	5
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TOTALS:	1,502,363	80,112	13,505	0	1,595,980

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2002 BERING SEA & ALEUTIANS GROUND FISH DISCARDS IN ROUND METRIC TONS  
Data are from Weekly Production and Observer Reports through 09/21/02

	SHORESIDE			MOTHERSHIP		CATCHER-PROC	
	TOTAL CATCH	AT-SEA DISC	PLANT DISC	TOTAL CATCH	DISC	TOTAL CATCH	DISC
BERING SEA							
Other Rockfish	98	71	0	1	0	263	37
Pacific Ocean Perch	237	90	0	9	8	336	249
Northern Rockfish	40	38	0	1	1	64	58
Shortraker/Rougheye	33	30	0	0	0	60	17
Sablefish (Fixed Gear)	418	5	0	0	0	125	58
Sablefish (Trawl)	23	8	0	1	0	234	31
Greenland Turbot	159	136	0	1	0	1970	298
Pollock - Inshore	577136	224	0	0	0	0	0
Pollock - AFA Offshore	0	0	0	0	0	506888	144
Pollock - AFA Mothership	0	0	0	111816	520	0	0
Pollock - Incidental Ctch	2978	2168	0	362	294	31756	14857
ALEUTIAN ISLANDS							
Other Rockfish	118	44	0	4	4	365	187
Pacific Ocean Perch, East	0	0	0	0	0	2488	149
Pacific Ocean Perch, Cent	0	0	0	0	0	2774	363
Pacific Ocean Perch, West	0	0	0	0	0	4564	546
Northern Rockfish	6	5	0	6	6	3294	3201
Shortraker/Rougheye Trawl	0	0	0	0	0	377	56
Non-Trawl	24	24	0	0	0	75	52
Atka Mackerel - Eastern	194	86	0	1	1	4277	285
- Jig	0	0	0	0	0	0	0
Atka Mackerel - Central	0	0	0	0	0	17381	3888
Atka Mackerel - Western	0	0	0	0	0	15908	2117
Sablefish (Fixed Gear)	537	5	0	0	0	349	16
Sablefish (Trawl)	0	0	0	0	0	37	1
Greenland Turbot	96	71	0	0	0	266	33
Pollock - Incidental Ctch	579	578	0	9	7	424	88
BERING SEA & ALEUTIANS							
Alaska Plaice	11	3	0	1	1	10935	10577
Arrowtooth Flounder	809	706	0	65	63	8443	5502
Flathead Sole	735	424	0	156	137	12983	3085
Other Flatfish	134	86	0	12	11	2273	1523
Other Species	1683	1565	0	187	186	18268	15896
Pacific Cod (Trawl - C/P)	0	0	0	0	0	34844	1203
Pacific Cod (Trawl - C/V)	31491	337	0	8909	241	0	0
Pacific Cod (HAL C/P)	0	0	0	0	0	62609	1211
Pacific Cod (HAL C/V)	359	161	0	0	0	0	0
Pacific Cod (Pot)	9810	37	0	1478	0	1372	0
Pacific Cod (Jig)	164	0	0	0	0	0	0
Rock Sole	1585	1309	0	285	251	38618	15697
Squid	307	100	0	0	0	225	130
Yellowfin Sole	208	186	0	48	40	57799	8327
BOGOSLOF							
Pollock - Incidental Ctch	0	0	0	0	0	5	0
TOTALS:	629972	8497	0	123352	1771	842649	89882

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2002 BERING SEA / ALEUTIAN ISLANDS FISHERIES  
TRAWL HALIBUT BYCATCH MORTALITY (METRIC TONS)

WED	PACIFIC COD	YELLOWFIN SOLE	ROCK SOLE/ FLATHEAD SOLE/ OTHER FLATFISH	PLCK/AMCK/ OTHER	ROCKFISH	ARROWTOOTH/ SABLEFISH/ TURBOT
01/19/02	2	0	0	0	0	0
01/26/02	41	0	48	3	0	0
02/02/02	110	0	35	6	0	0
02/09/02	27	0	37	8	0	0
02/16/02	29	0	95	7	0	0
02/23/02	46	1	174	4	0	0
03/02/02	62	1	200	2	0	0
03/09/02	38	54	0	2	0	0
03/16/02	19	43	0	4	0	0
03/23/02	32	44	0	2	0	0
03/30/02	44	25	0	1	0	1
04/06/02	43	13	54	0	0	0
04/13/02	46	18	58	0	0	5
04/20/02	44	20	46	0	0	4
04/27/02	39	78	0	0	0	1
05/04/02	39	135	0	0	0	7
05/11/02	48	41	0	0	0	7
05/18/02	45	1	0	0	0	4
05/25/02	28	2	0	0	0	2
06/01/02	1	14	0	0	0	0
06/08/02	1	18	0	0	0	0
06/15/02	1	30	0	0	0	0
06/22/02	67	0	0	4	0	0
06/29/02	65	0	0	11	0	0
07/06/02	8	0	17	3	45	2
07/13/02	7	0	11	3	3	1
07/20/02	2	0	17	3	15	2
07/27/02	2	6	38	5	0	2
08/03/02	4	113	0	9	0	0
08/10/02	7	70	0	13	0	3
08/17/02	10	56	0	12	0	0
08/24/02	4	73	0	13	0	4
08/31/02	22	31	0	5	0	0
09/07/02	9	33	0	29	0	3
09/14/02	11	25	0	6	0	0
09/21/02	9	19	0	15	1	0
	1,013	964	828	171	65	48
SEASONAL						
CAP:	1,434	886	779	232	69	0
% OF CAP:	71%	109%	106%	74%	94%	0%
REMAINING:	421	-78	-49	61	4	-48
ANNUAL CAP:	1,434	886	779	232	69	0
% OF CAP:	71%	109%	106%	74%	94%	0%

TOTAL HALIBUT MORTALITY : 3,089

TOTAL FINAL HALIBUT CAP : 3,400

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2002 BERING SEA / ALEUTIAN ISLANDS FISHERIES  
FIXED GEAR HALIBUT BYCATCH MORTALITY (METRIC TONS)

WED	PACIFIC COD HOOK & LINE		OTHER SPECIES HOOK & LINE, JIG		ALL GROUND FISH POT GEAR	
	WEEKLY	TOTAL	WEEKLY	TOTAL	WEEKLY	TOTAL
01/05/02	15	15	0	0	0	0
01/12/02	26	41	0	0	0	0
01/19/02	15	56	0	0	0	0
01/26/02	15	72	0	0	0	0
02/02/02	15	87	0	0	0	0
02/09/02	21	108	0	0	0	0
02/16/02	20	128	0	0	0	0
02/23/02	30	158	0	0	0	0
03/02/02	23	181	0	0	0	0
03/09/02	20	201	0	0	0	0
03/16/02	0	201	0	0	0	0
03/23/02	0	201	1	1	0	0
03/30/02	0	202	0	1	0	0
04/06/02	0	202	0	1	0	0
04/13/02	0	202	0	1	0	1
04/20/02	0	202	5	5	0	1
04/27/02	0	203	1	7	0	1
05/04/02	1	204	0	7	0	1
05/11/02	1	204	11	18	0	1
05/18/02	0	205	0	19	0	1
05/25/02	0	205	6	25	2	3
06/01/02	2	207	1	25	4	8
06/08/02	2	209	1	26	0	8
06/15/02	0	209	0	26	0	8
06/22/02	0	209	0	26	0	8
06/29/02	0	209	0	27	0	8
07/06/02	0	209	0	27	0	8
07/13/02	0	209	1	27	0	8
07/20/02	0	209	0	28	0	8
07/27/02	0	209	5	32	0	8
08/03/02	0	209	1	33	0	8
08/10/02	1	210	6	39	0	8
08/17/02	21	231	0	39	0	8
08/24/02	36	268	0	39	0	8
08/31/02	32	300	0	39	0	8
09/07/02	27	327	0	39	0	8
09/14/02	30	357	0	39	0	8
09/21/02	29	385	0	39	1	9

PCOD SEASONAL CAP: 775	OTHER SEASONAL CAP: 58	Pot gear is exempt
% OF SEASONAL CAP: 50%	% OF SEASONAL CAP: 68%	from bycatch allowances
REMAINING PCOD: 390	REMAINING OTHER: 19	

2002 BSAI NON-TRAWL PACIFIC COD FISHERY HALIBUT BYCATCH ALLOWANCES

(Jan 01 - Jun 10)	320 MT
(Jun 10 - Aug 15)	0 MT
(Aug 15 - Dec 31)	455 MT
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Annual Total	775 MT



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2002 BERING SEA/ALEUTIAN ISLANDS FISHERIES  
PROHIBITED SPECIES BYCATCH  
Week Ending: 09/21/02

TRAWL HERRING, BSAI

Fishery group	Herring (mt)	Cap (mt)	%
Midwater pollock	77	1,184	7%
Pacific cod	3	20	13%
Yellowfin sole	18	139	13%
Rockfish	0	7	1%
Other	10	146	7%
Rock sole/Other flatfish	4	20	21%
GTRB/ARTH/SABL	0	9	1%
Total:	112	1,525	7%

TRAWL SALMON, BSAI

Fishery group	Chinook (#'s)	Other (#'s)	Total (#'s)
Midwater pollock	24,558	65,187	89,745
Bottom pollock	0	0	0
Pacific cod	3,077	846	3,923
Yellowfin sole	274	370	644
Rock sole/Other flatfish	675	149	824
Rockfish	0	0	0
Other	953	310	1,263
Seasonal Total:	29,537	66,862	96,399

TRAWL BAIRDI TANNER CRAB

Fishery group	ZONE 1			ZONE 2		
	Crabs (#'s)	Cap (#'s)	%	Crabs (#'s)	Cap (#'s)	%
Rock sole/Other flatfish	286,732	365,320	78%	260,554	596,154	44%
Pacific cod	138,690	183,112	76%	81,619	324,176	25%
Yellowfin sole	26,014	340,844	8%	194,537	1,788,459	11%
Pollock/AMCK/Other species	1,464	17,224	8%	676	27,473	2%
Rockfish	0	0	0%	49	10,988	0%
GTRB/ARTH/SABL	0	0	0%	5,900	0	0%
Total:	452,899	906,500	50%	543,334	2,747,250	20%

TRAWL C. OPILIO TANNER CRAB in the COBLZ AREA

Fishery group	Crabs (#'s)	Cap (#'s)	%
Rock sole/Other flatfish	101,854	969,130	11%
Pacific cod	93,761	124,736	75%
Yellowfin sole	498,711	2,776,981	18%
Pollock/AMCK/Other species	1,558	72,428	2%
Rockfish	0	40,237	0%
GTRB/ARTH/SABL	1,449	40,238	4%

Total: 697,333 4,023,750 17%

TRAWL RED KING CRAB

ZONE 1

Fishery group	Crabs (#'s)	Cap (#'s)	%
Rock sole/Other flatfish	62,073	59,782	104%
Pacific cod	12,724	11,664	109%
Yellowfin sole	15,146	16,664	91%
Pollock/AMCK/Other species	1	1,615	0%
Total:	89,944	89,725	100%

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	TOTAL CATCH	QUOTA	REMAINING QUOTA	% TAKEN	LAST WK CATCH
<b>WEST, CENT PLCK</b>					
Pollock 610	11,801	11,781	-20	100	0
Pollock 620	16,959	18,981	2,022	89	169
Pollock 630	8,895	6,047	-2,848	147	1
<b>WESTERN GULF</b>					
Arrowtooth Flounder	4,423	8,000	3,577	55	5
Deep Water Flatfish	15	180	165	8	0
Shallow Water Flatfish	206	4,500	4,294	5	0
Flathead Sole	359	2,000	1,641	18	0
Rex Sole	351	1,280	929	27	0
Pacific Ocean Perch	2,746	2,610	-136	105	0
Shortraker/Rougheye	260	220	-40	118	0
Pelagic Shelf Rockfish	177	510	333	35	0
Northern Rockfish	335	600	265	56	0
Other Rockfish	219	90	-129	243	0
Pacific Cod - Inshore	12,039	15,164	3,125	79	241
Pacific Cod - Offshore	1,273	1,685	412	76	131
Sablefish (Hook & Line)	1,452	1,792	340	81	50
Sablefish (Trawl)	182	448	266	41	0
Thornyhead	366	360	-6	102	2
<b>CENTRAL GULF</b>					
Arrowtooth Flounder	13,498	25,000	11,502	54	4
Deep Water Flatfish	517	2,220	1,703	23	0
Shallow Water Flatfish	5,242	13,000	7,758	40	0
Flathead Sole	1,609	5,000	3,391	32	2
Rex Sole	2,556	5,540	2,984	46	0
Pacific Ocean Perch	8,258	8,220	-38	100	0
Shortraker/Rougheye	624	840	216	74	0
Pelagic Shelf Rockfish	2,670	3,480	810	77	0
Northern rockfish	2,996	4,170	1,174	72	0
Other Rockfish	395	550	155	72	0
Pacific Cod - Inshore	21,575	22,311	736	97	479
Pacific Cod - Offshore	2,045	2,479	434	82	0
Sablefish (Hook & Line)	4,335	4,344	9	100	9
Sablefish (Trawl)	1,554	1,086	-468	143	0
Thornyhead	500	840	340	60	0
<b>EASTERN GULF</b>					
Shortraker/Rougheye	374	560	186	67	8
Pacific Cod - Inshore	53	2,332	2,279	2	0
Pacific Cod - Offshore	48	259	211	19	0
Thornyhead	211	790	579	27	14
<b>WEST YAKUTAT</b>					
Arrowtooth Flounder	53	2,500	2,447	2	0
Deep Water Flatfish	2	1,330	1,328	0	0
Shallow Water Flatfish	2	1,180	1,178	0	0
Flathead Sole	0	1,590	1,590	0	0
Rex Sole	0	1,600	1,600	0	0
Pacific Ocean Perch	748	780	32	96	0
Other Rockfish	26	150	124	17	0

Pelagic Shelf Rockfish	448	640	192	70	0
Pollock	1,815	1,165	-650	156	0
Sablefish (Hook & Line)	1,358	1,682	324	81	17
Sablefish (Trawl)	128	258	130	50	0
SOUTHEAST					
Arrowtooth Flounder	73	2,500	2,427	3	2
Deep Water Flatfish	5	1,150	1,145	0	1
Shallow Water Flatfish	0	1,740	1,740	0	0
Flathead Sole	0	690	690	0	0
Rex Sole	0	1,050	1,050	0	0
Pacific Ocean Perch	0	1,580	1,580	0	0
Other Rockfish	23	200	177	12	0
Pelagic Shelf Rockfish	4	860	856	0	0
Pollock	1	6,460	6,459	0	0
Demersal Shelf Rockfish	171	350	179	49	3
Sablefish (Hook & Line)	2,367	3,210	843	74	36
ENTIRE GOA					
Other Species	3,289	11,330	8,041	29	26
Atka Mackerel	49	600	551	8	0
-----					
TOTALS:	141,680	223,864	82,184	63	1,203
□					

National Marine Fisheries Service  
P.O. Box 21668  
Juneau, Alaska 99802-1668

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2002 GULF OF ALASKA REPORT ON DAP HARVEST  
BY GEAR TYPE

Data are from Weekly Production and Observer Reports through 09/21/02

	TRAWL	H&L	POT	OTHER	TOTAL
WEST, CENT PLCK					
Pollock 610	11,747	53	1	0	11,801
Pollock 620	16,953	4	2	0	16,959
Pollock 630	8,859	35	1	0	8,895
WESTERN GULF					
Arrowtooth Flounder	4,263	159	1	0	4,423
Deep Water Flatfish	10	4	0	0	14
Shallow Water Flatfish	187	16	4	0	207
Flathead Sole	355	5	0	0	360
Rex Sole	351	0	0	0	351
Pacific Ocean Perch	2,744	2	0	0	2,746
Shortraker/Rougheye	180	79	0	0	259
Pelagic Shelf Rockfish	174	2	0	0	176
Northern Rockfish	335	1	0	0	336
Other Rockfish	210	9	0	0	219
Pacific Cod - Inshore	5,167	3,985	2,886	0	12,038
Pacific Cod - Offshore	199	943	131	0	1,273
Sablefish (Hook & Line)	0	1,431	22	0	1,453
Sablefish (Trawl)	182	0	0	0	182
Thornyhead	240	126	0	0	366
CENTRAL GULF					
Arrowtooth Flounder	13,320	177	1	0	13,498
Deep Water Flatfish	509	8	0	0	517
Shallow Water Flatfish	5,232	6	4	0	5,242
Flathead Sole	1,609	0	0	0	1,609
Rex Sole	2,556	0	0	0	2,556
Pacific Ocean Perch	8,257	1	0	0	8,258
Shortraker/Rougheye	476	147	0	0	623
Pelagic Shelf Rockfish	2,656	14	0	0	2,670
Northern rockfish	2,996	0	0	0	2,996
Other Rockfish	378	17	0	0	395
Pacific Cod - Inshore	12,690	6,320	2,565	0	21,575
Pacific Cod - Offshore	524	1,519	3	0	2,046
Sablefish (Hook & Line)	0	4,334	0	0	4,334
Sablefish (Trawl)	1,554	0	0	0	1,554
Thornyhead	344	155	0	0	499
EASTERN GULF					
Shortraker/Rougheye	100	273	0	0	373
Pacific Cod - Inshore	1	52	0	0	53
Pacific Cod - Offshore	0	0	48	0	48
Thornyhead	5	206	0	0	211
WEST YAKUTAT					
Arrowtooth Flounder	18	34	0	0	52
Deep Water Flatfish	0	2	0	0	2
Shallow Water Flatfish	2	0	0	0	2
Flathead Sole	0	0	0	0	0
Rex Sole	0	0	0	0	0
Pacific Ocean Perch	748	0	0	0	748
Other Rockfish	16	10	0	0	26
Pelagic Shelf Rockfish	448	0	0	0	448

Pollock	1,814	1	0	0	1,815
Sablefish (Hook & Line)	0	1,358	0	0	1,358
Sablefish (Trawl)	128	0	0	0	128
SOUTHEAST					
Arrowtooth Flounder	0	73	0	0	73
Deep Water Flatfish	0	5	0	0	5
Shallow Water Flatfish	0	0	0	0	0
Flathead Sole	0	0	0	0	0
Rex Sole	0	0	0	0	0
Pacific Ocean Perch	0	1	0	0	1
Other Rockfish	0	23	0	0	23
Pelagic Shelf Rockfish	0	4	0	0	4
Pollock	0	1	0	0	1
Demersal Shelf Rockfish	0	171	0	0	171
Sablefish (Hook & Line)	0	2,367	0	0	2,367
ENTIRE GOA					
Other Species	2,211	898	179	0	3,288
Atka Mackerel	48	1	0	0	49
-----					
TOTALS:	110,796	25,032	5,848	0	141,676

National Marine Fisheries Service  
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Prepared: 09/26/02 at 2:23 PM  
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2002 GULF OF ALASKA GROUND FISH DISCARDS IN ROUND METRIC TONS  
Data are from Weekly Production and Observer Reports through 09/21/02

	SHORESIDE			MOTHERSHIP		CATCHER-PROC	
	TOTAL CATCH	AT-SEA DISC	PLANT DISC	TOTAL CATCH	DISC	TOTAL CATCH	DISC
<b>WEST, CENT PLCK</b>							
Pollock 610	11630	262	0	0	0	170	71
Pollock 620	16948	321	0	0	0	11	3
Pollock 630	8804	191	0	0	0	91	19
<b>WESTERN GULF</b>							
Arrowtooth Flounder	231	187	0	0	0	4191	1843
Deep Water Flatfish	2	2	0	0	0	12	10
Shallow Water Flatfish	87	63	0	0	0	119	46
Flathead Sole	52	18	0	0	0	307	79
Rex Sole	2	1	0	0	0	349	29
Pacific Ocean Perch	23	11	0	0	0	2723	215
Shortraker/Rougheye	35	34	0	0	0	225	26
Pelagic Shelf Rockfish	11	10	0	0	0	165	13
Northern Rockfish	17	17	0	0	0	318	109
Other Rockfish	6	2	0	0	0	213	106
Pacific Cod - Inshore	8047	134	0	0	0	3991	57
Pacific Cod - Offshore	0	0	0	0	0	1273	80
Sablefish (Hook & Line)	811	24	0	0	0	641	4
Sablefish (Trawl)	0	0	0	0	0	181	81
Thornyhead	76	5	0	0	0	290	16
<b>CENTRAL GULF</b>							
Arrowtooth Flounder	4584	3355	0	0	0	8914	4273
Deep Water Flatfish	363	21	0	0	0	154	146
Shallow Water Flatfish	4965	245	0	0	0	277	161
Flathead Sole	1150	161	0	0	0	460	47
Rex Sole	289	50	0	0	0	2267	58
Pacific Ocean Perch	4819	186	0	0	0	3439	426
Shortraker/Rougheye	218	92	0	0	0	405	30
Pelagic Shelf Rockfish	1333	23	0	0	0	1337	105
Northern rockfish	2178	31	0	0	0	818	170
Other Rockfish	47	23	0	0	0	348	237
Pacific Cod - Inshore	21230	2593	0	0	0	345	27
Pacific Cod - Offshore	0	0	0	0	0	2045	109
Sablefish (Hook & Line)	3755	98	0	0	0	580	3
Sablefish (Trawl)	592	167	0	0	0	962	393
Thornyhead	252	65	0	0	0	247	26
<b>EASTERN GULF</b>							
Shortraker/Rougheye	249	38	0	0	0	125	41
Pacific Cod - Inshore	53	8	0	0	0	0	0
Pacific Cod - Offshore	0	0	0	0	0	48	0
Thornyhead	185	8	0	0	0	26	2
<b>WEST YAKUTAT</b>							
Arrowtooth Flounder	37	36	0	0	0	15	15
Deep Water Flatfish	2	2	0	0	0	0	0
Shallow Water Flatfish	3	0	0	0	0	0	0
Flathead Sole	0	0	0	0	0	0	0
Rex Sole	0	0	0	0	0	0	0
Pacific Ocean Perch	6	1	0	0	0	742	2
Other Rockfish	10	1	0	0	0	16	15
Pelagic Shelf Rockfish	0	0	0	0	0	448	0

Pollock	1812	4	0	0	0	3	3
Sablefish (Hook & Line)	1241	30	0	0	0	118	10
Sablefish (Trawl)	0	0	0	0	0	127	18
SOUTHEAST							
Arrowtooth Flounder	70	70	0	0	0	3	3
Deep Water Flatfish	4	4	0	0	0	1	1
Shallow Water Flatfish	0	0	0	0	0	0	0
Flathead Sole	0	0	0	0	0	0	0
Rex Sole	0	0	0	0	0	0	0
Pacific Ocean Perch	1	0	0	0	0	0	0
Other Rockfish	23	0	0	0	0	0	0
Pelagic Shelf Rockfish	4	0	0	0	0	0	0
Pollock	1	1	0	0	0	0	0
Demersal Shelf Rockfish	171	3	0	0	0	0	0
Sablefish (Hook & Line)	2219	55	0	0	0	149	1
ENTIRE GOA							
Other Species	2126	1714	0	0	0	1163	1001
Atka Mackerel	17	12	0	0	0	32	12
-----							
TOTALS:	100791	10379	0	0	0	40884	10142



NMFS/AKR  
09/26/02  
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2002 GULF OF ALASKA FISHERIES  
TRAWL HALIBUT BYCATCH MORTALITY (METRIC TONS)  
Week Ending: 09/21/02

WED	SHALLOW WATER COMPLEX		DEEP WATER COMPLEX		GRAND TOTAL
	WEEK TOTAL	CUMULATIVE TOTAL	WEEK TOTAL	CUMULATIVE TOTAL	
01/26/02	2	2	0	0	2
02/02/02	26	28	0	0	28
02/09/02	29	57	6	6	63
02/16/02	20	77	0	6	83
02/23/02	35	112	5	11	123
03/02/02	19	132	5	15	147
03/09/02	61	192	0	15	208
03/16/02	12	205	4	20	224
03/23/02	8	212	4	24	236
03/30/02	7	219	13	37	256
04/06/02	31	250	34	71	321
04/13/02	20	270	71	142	412
04/20/02	29	299	40	182	481
04/27/02	41	341	57	238	579
05/04/02	60	400	45	283	683
05/11/02	123	523	30	313	836
05/18/02	39	562	62	375	937
05/25/02	0	562	17	392	954
06/01/02	0	562	0	392	954
07/06/02	0	562	115	507	1,069
07/13/02	0	562	87	594	1,156
07/20/02	3	565	79	673	1,238
07/27/02	167	731	101	773	1,505
08/03/02	102	833	51	824	1,657
08/10/02	43	876	0	824	1,700
08/31/02	0	877	0	824	1,700
09/07/02	0	877	0	824	1,701
09/14/02	0	877	0	824	1,701
09/21/02	0	877	0	824	1,701

CAP:	900	CAP:	800
% OF CAP:	97%	% OF CAP:	103%
REMAINING:	23	REMAINING:	-24

SEASON	SEASONAL HALIBUT BYCATCH MORTALITY CAPS		TOTAL
	SHALLOW COMPLEX	DEEP COMPLEX	
Jan 01 - Apr 01	450 MT	100 MT	550 MT
Apr 01 - Jun 30	100 MT	300 MT	400 MT
Jun 30 - Sep 01	200 MT	400 MT	600 MT
Sep 01 - Oct 01	150 MT	Any rollover	150 MT
Oct 01 - Dec 31	- No Apportionment	-	300 MT
TOTALS	900 MT	800 MT	

2000 MT

Balance of 4th Quarter available for all trawl fisheries

Shallow Water Complex = pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and "other species."  
 Deep Water Complex = sablefish, rockfish, rex sole, arrowtooth flounder, and deep-water flatfish.

□

NMFS/AKR  
09/26/02  
14:24:19

2002 GULF OF ALASKA FISHERIES  
HOOK & LINE HALIBUT BYCATCH MORTALITY (METRIC TONS)  
Week Ending: 09/21/02

OTHER HOOK & LINE FISHERIES		
WED	WEEKLY	TOTAL
01/05/02	19	19
01/12/02	14	33
01/19/02	7	40
01/26/02	11	51
02/02/02	15	67
02/09/02	19	86
02/16/02	5	91
02/23/02	10	101
03/02/02	6	108
03/09/02	11	118
03/16/02	24	142
03/23/02	29	171
03/30/02	5	176
04/06/02	0	176
04/13/02	0	176
04/20/02	0	176
04/27/02	0	176
05/04/02	3	179
05/11/02	0	179
05/14/02	0	179
05/18/02	0	179
05/19/02	0	179
05/25/02	0	180
06/01/02	0	180
06/08/02	0	180
06/15/02	0	180
06/22/02	0	180
06/29/02	0	180
07/06/02	0	181
07/13/02	0	181
07/20/02	0	181
07/27/02	0	181
08/03/02	1	182
08/10/02	0	182
08/17/02	0	182
08/24/02	0	182
08/31/02	0	182
09/07/02	5	187
09/14/02	4	191
09/21/02	5	195

CAP: 290  
% OF SEASONAL CAP: 67%  
REMAINING: 95

2002 HOOK-AND-LINE GROUND FISH FISHERIES HALIBUT MORTALITY CAPS

SEASON	OTHER HOOK AND LINE FISHERIES
Jan 01 - Jun 10	250 MT
Jun 10 - Sep 01	5 MT
Sep 01 - Dec 31	35 MT

Annual Total:

-----  
290 MT

Sablefish fishery is exempt from halibut bycatch restrictions. Other hook and line fisheries are all H&L fisheries except sablefish and demersal shelf rockfish in the Southeast District.

Halibut mortality for the demersal shelf rockfish fishery, Southeast District is not listed due to insufficient observer coverage.

□

NMFS/AKR  
09/26/02  
14:24:20

2002 GULF OF ALASKA FISHERIES  
CHINOOK & OTHER SALMON BYCATCH  
Week Ending:09/21/02

TRAWL GEAR

WEEK	CHINOOK SALMON		'OTHER' SALMON	
	WEEKLY NUMBER	CUMULATIVE NUMBER	WEEKLY NUMBER	CUMULATIVE NUMBER
01/26	281	281	57	57
02/02	547	828	45	102
02/09	824	1,652	5	107
02/16	492	2,144	11	119
02/23	1,136	3,279	19	137
03/02	246	3,526	13	151
03/09	1,125	4,651	0	151
03/16	266	4,917	84	235
03/23	271	5,188	11	246
03/30	175	5,363	87	333
04/06	173	5,535	232	566
04/13	632	6,167	1	567
04/20	308	6,475	1	567
04/27	417	6,892	2	570
05/04	196	7,088	56	626
05/11	66	7,154	18	644
05/18	57	7,211	13	657
05/25	6	7,218	35	692
06/01	0	7,218	0	692
07/06	1,043	8,260	352	1,044
07/13	65	8,326	538	1,582
07/20	161	8,487	266	1,849
07/27	9	8,496	333	2,181
08/03	0	8,496	279	2,460
08/10	42	8,538	167	2,627
08/31	177	8,716	161	2,788
09/07	184	8,900	177	2,964
09/14	211	9,110	47	3,012
09/21	19	9,130	4	3,015

NOTE: No PSC Limits apply to salmon.

Data based on observer reports, extrapolated to total groundfish harvest. Estimates for all weeks may change due to incorporation of late or corrected data.

□

## Status of Rulemaking Actions

### Status of FMP Amendments

September 27, 2002

FMP Amendment Status: <b>Actions</b> <b>Since June 2002</b> <b>Council Meeting</b>	Date of Council Action	Start Regional Review	Transmittal Date of action to NMFS HQ for Review	Proposed FMP Amendment Notice of Availability Published	Proposed Rule Published in Federal Register	Final Rule Published in Federal Register
Amend. 60 GOA: Cook Inlet bottom trawl ban <b>(Approved August 13, 2002)</b>	Sept 2000	PR 4/01/02  <b>FR - In preparation</b>	PR - May 6, 2002	May 14, 2002 67 FR 34424  <u>Comment period ends 7/15/02</u>	<b>June 13, 2002</b> <b>67 FR 40680</b>  <u>Comment period ends 7/29/02</u>	
Amends. 61/61/13/8: AFA management of co-ops and sideboards  <u>Amends. approved on February 27, 2002</u>	June 1999 June 2000 Sep. 2000	<b>FR - 7/5/02</b>	PR - Nov. 13, 2001  <b>FR - Sept 27, 2002</b>	Nov. 27, 2001 66 FR 59225  <u>Comment period ends January 28, 2002</u>	<u>Dec. 17, 2001</u> <u>66 FR 65028</u>  <u>Comment period ends January 31, 2002</u>	NOA of final EIS published 03/01/02 (67 FR 9448)
Amend. 69 BSAI: AFA 1, inshore co-op contracts with CVs outside co-op <b>(Decision date 10/3/02)</b>	June 2001	PR - 4/5/02	<b>PR - June 2, 2002</b>	<b>July 5, 2002</b> <b>67 FR 44794</b>  <u>Comment period ends September 3, 2002</u>	August 23, 2002 67 FR 54610  <b>Comment period ends October 7, 2002</b>	

## Status of Regulatory Amendments

September 27, 2002

Regulatory Amendment Status: <b>Actions Since June 2002 Council Meeting</b>	Date of Council Action	Start Regional Review of Rule	Transmittal Date of Rule to NMFS Headquarters	Proposed Rule Published in <u>Federal Register</u>	Final Rule Published in <u>Federal Register</u>
<b>Groundfish Regulations</b>					
Steller sea lion protection measures for 2002 and beyond	October 2001	PR - 01/31/02  <i>Final rule in prep</i>	PR - May 14, 2002	<b>Sept. 4, 2002</b> <b>67 FR 56692</b> <b>Comment period</b> <b>ends Oct. 4, 2002</b>	
Revision of at-sea observer communication system requirements	Feb 2000	PR - 11/30/01  <i>Final rule in prep</i>	PR - Feb 21, 2002	<b>July 25, 2002</b> <b>67 FR 48604</b> <b>Comment period</b> <b>ends Aug. 26, 2002</b>	
Observer omnibus rule	June 2000	PR - 2/16/01  <i>FR - 9/25/02</i>	PR - November 2, 2001	April 2, 2002 67 FR 15517 <b>Comment period</b> <b>ends May 1, 2002</b>	
Observer Program extension through 2007	April 2002	PR 6/3/02	<b>PR - 6/28/02</b>	<b>Sept 16, 2002</b> <b>67 FR 58452</b> <b>Comment period</b> <b>ends Oct. 11, 2002</b>	
DSR full retention and donation rule	June 1999	PR - March 29, 2002			
Revision to pollock roe retention standards	February 1999 See NMFS letter dated Jan 30, 2002	<i>proposed rule in preparation</i>			
Revised seabird avoidance measures	December 2001	<b>PR- August 26, 2002</b>			
<b>Halibut Regulations</b>					
Halibut charter boat GHL	February 2000: December 2000	PR - 2/26/01  <i>See NMFS letter dated 9/6/02</i>	PR - October 11, 2001	January 28, 2002 67 FR 3867 <b>End of comment period Feb. 27, 2002</b>	
Halibut charter boat IFQ	April 2001; October 2001	<i>Waiting receipt of draft analysis</i>			
Halibut Subsistence fishing provisions	October 2000	PR - 3/22/02	PR - May 30, 2002	<b>Aug. 26, 2002</b> <b>67 FR 54767</b> <b>Comment period</b> <b>ends Sept. 25, 2002</b>	
Halibut 4D/4E issues: trip limits	October 1998 <u>December 2001</u>	<b>PR - 5/13/02</b>	<b>PR - Aug. 30, 2002</b>		
<b>Crab Regulations</b>					
Crab LLP license and vessel buyback program	Congress December 2000	<i>Proposed rule and analysis developed at HQ.</i>		<i>Proposed rule and analysis under review in OMB since 5/2/02.</i>	

**Agenda B-2  
October 2002**

Subject: NEPA Coordinators Kick-Off Meeting

Date: Wed, 18 Sep 2002 08:21:44 -0400

From: "Rebecca Lent" <Rebecca.Lent@noaa.gov>

Organization: NOAA

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Dear Regional Administrators:

I am so pleased that all regional NEPA coordinators have been hired and will soon be on board. The National Coordinator, John Hansel, will be reporting next Monday, September 22. As part of the plan to implement a NMFS program for NEPA Compliance, I will be scheduling a 2 - 3 day meeting for all the NEPA coordinators sometime in October to be held in Silver Spring.

The objective of the meeting is for the coordinators to get to know each other and for them to begin planning their priorities and actions for the coming year. We will be under close scrutiny from the Hill to begin making progress on improving NEPA implementation. Hiring coordinators is only the first step. This meeting will be essential to explain to them the national challenges before us, and will set the stage for them to think of their regional responsibilities with respect to national goals and objectives.

We will likely invite the NOAA NEPA coordinators, CEQ NEPA experts, Headquarters program offices, and perhaps other agencies and Hill staff to make presentations and meet them. We will devote a significant amount of time for them to work together to plan and prioritize, identify issues and explore ideas for solving problems. This will also be a good time for them to begin strategizing on a national NEPA training program.

Once John Hansel is on board, I will ask him to set up this meeting and get back to all of you on specific dates.

For your information, I am providing information on all the new hires.

Thank you!  
Rebecca

NOAA Fisheries headquarters - **John Hansel** has been hired to lead our national efforts. John has 30+ years of applying NEPA to many complex Federal programs, policies, and activities. His NEPA expertise ranges from writing and reviewing NEPA documents, advising senior decisionmakers on environmental policy issues, managing contractors, monitoring performance, and providing technical assistance on NEPA compliance to national and regional staff. He has most recently served as senior environmental attorney at the Department of Justice where he successfully conceived and implemented a NEPA compliance program for their Office of Justice Programs. John will be on board starting the end of September.


Southwest Regional Office Long Beach - We welcome **Anthony Morton** as the Southwest Regional Office NEPA Coordinator. Tony comes to NOAA Fisheries from the Bureau of Reclamation where he spent nearly 5 years as NEPA Coordinator for the Upper Colorado Region and, more recently where he was Chief of the Regional Environmental Resources Group.

Southwest Regional Office Honolulu - **Marilyn Luipold** has been selected as the NEPA coordinator for the Pacific Islands Area Office (PIAO). Many of you already know Marilyn in her work as a program analyst at the PIAO. Marilyn has had direct responsibility for management and coordination of projects related to NEPA compliance, including coordination of the Pelagic Fisheries of the Western Pacific Region Environmental Impact Statement.

Northeast Regional Office - **David Tomey** will be coming on board October 6th as the NEPA Coordinator in the Northeast Regional Office. David comes to us from EPA's Region 1 (Boston). He has prepared and managed the development of EISs, held meetings with commercial fishing industry representatives on EPA actions, coordinated with contractors and designed an impact analysis approach on fisheries and other aquatic resources.

Northwest Regional Office - **John "Matt" Harrington** joined the NW Regional NEPA team with Kathe Hawe on September 9th. Matt joins us from EPA where he served as the Region 10 NEPA Compliance Coordinator for the past four years. The combination of Kathe and Matt will provide a solid foundation on which to build a successful NEPA program in the NWR. Matt will be based in Seattle with Kathe.

Southeast Regional Office - **David Keys** has been appointed as the NEPA Coordinator in the Southeast Regional Office. David started his new position on September 8th. He comes to us most recently from the US Army Military District of Washington (MDW) where, as the Environmental Team Chief based at Fort McNair, he was responsible for the command's compliance with all Federal, state, and local environmental regulations and statutes for six installations.

 Alaska Regional Office - **Tamra Faris** has been selected as the Alaska Region's NEPA Coordinator. Tamra brings to this job a solid background in NEPA issues resulting from her hands-on experience with NEPA documents, CEQ regulations governing NEPA requirements, and through her initiating of training opportunities involving NEPA subject matter.





UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

September 27, 2002

Mr. David Benton, Chairman  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Avenue  
Anchorage, Alaska 99501

Dear Dave,

During the past few years, NMFS staff have struggled to develop a draft proposed rule to implement the Council's June 1998 action that would require full retention of demersal shelf rockfish (DSR) in the hook-and-line gear fisheries in the Southeast Outside District of the Gulf of Alaska (SEO). NMFS staff worked with staff from the Alaska Department of Fish and Game to develop a proposed rule that met Council intent, and responded to legal issues as we understood them. A summary of the Council's proposed action as it would be implemented in the draft proposed rule is provided in Attachment 1.

Although NOAA-GC initially advised us that the management scheme proposed by the Council was within the rulemaking authority of the Magnuson-Stevens Act, on review of the proposed rule developed by NMFS to implement the DSR measures, NOAA-GC identified serious legal concerns with Option 1 and its extension of MSA authority to the regulation of sale proceeds. A summary of these legal issues is attached (Attachment 2). According to NOAA-GC, NMFS cannot require relinquishment to the State of Alaska of proceeds, in excess of a fixed percentage, from sale of legally landed DSR caught in the SEO. This is true even if the fishermen have other options for disposing of the excess fish. NOAA-GC found no precedent in case law for federal regulation of sale proceeds from legally harvested fish, and believes that such regulation would be outside NMFS' authority under the Magnuson-Stevens Act.

We asked NOAA-GC whether NMFS could promulgate a rule requiring full retention of DSR caught in the SEO but remain silent on the disposition of DSR or the sale proceeds, while allowing the State to regulate disposition of DSR and sale proceeds. NOAA-GC advises that preemption problems would result from this Federal-State approach.

Consequently, we are unable to proceed with a proposed rule to implement the DSR program as recommended by the Council. Other alternatives to achieve the desired objectives might be feasible, but any of these would require further Council action. We have



had discussions with ADF&G and the Attorney General's office on this issue.

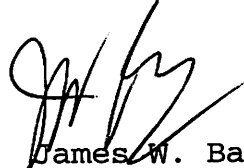
Potential alternative actions include:

1. We could work with the State to develop an application for an exempted fishing permit and design a full retention program under that permit. When we suggested this approach to the Council last year it was rejected, but it could provide a legal way of instituting a program to collect data on incidental catch mortality. Such an experiment would outline clear procedures, would set a time limit for obtaining the information, and would enroll vessels that wished to participate. This would result in less data but perhaps more accurate data than under the proposed rule, and that information could then be used to develop assumed mortality rates in the H&G gear fisheries. This option would require the least attention from NOAA Enforcement.
2. We could institute an observer program. This option is analyzed in the draft EA/RIR/IRFA, which concluded that although an observer program might supply good data, the costs of carrying observers to the smaller vessels involved would be relatively higher than the costs to larger vessels and might be too high to make such a program practical. However, such a program might be more feasible if adopted as part of a broader, long term change to the North Pacific Groundfish Observer Program that is under consideration by the Council to address cost equity, coverage levels, conflict of interest, and other issues facing the Program.
3. We could require full retention of DSR and allow the sale of DSR in amounts up to ten percent of the weight of other retained catch landed during the same fishing trip. The sale, barter or trade of any DSR in excess of that 10% sale limit would be prohibited. Any excess fish could be kept for personal use or donated. This option differs from the draft proposed rule in that it precludes relinquishment of proceeds to the state. Because fishermen would need to dispose of the excess fish without selling it, this option could result in increased discards on land. Also, NOAA Enforcement has concerns with its ability to enforce this option, in the absence of measures to ensure that fish retained for personal use or donation do not enter the market.

We have tried unsuccessfully to craft a rule that would implement the Council's recommended DSR policy in the SEO and would also

pass muster with NOAA-GC. At this point, proceeding with rulemaking without the Council's consideration of options that would address NOAA-GC concerns would result in agency disapproval of this action.

Sincerely,



James W. Balsiger  
Administrator, Alaska Region

Attachments:

1. Summary of Draft Proposed Rule
2. Summary of Legal Issues

**Attachment 1: Summary of Draft Proposed Rule Requiring Full Retention of Dermersal Shelf Rockfish in SEO Hook-and Line Fisheries**

***Brief History***

In 1996, NMFS and State stock assessment scientists identified the unreported mortality of DSR as a potential problem in preparing the annual DSR stock assessments. Strong anecdotal evidence pointed to a high level of unreported DSR mortality in the Pacific halibut hook-and-line gear fishery, which is the primary fishery that encounters incidental catch of DSR in the SEO. Accurate estimates of DSR fishing mortality are important to avoid overfishing of DSR. These rockfish are very susceptible to overexploitation and are slow to recover once driven below the level of sustainable yield. DSR grow slowly, are extremely long-lived, and have a very low natural mortality rate.

Existing regulations require mandatory retention of DSR in the IFQ halibut and sablefish fisheries up to 10 percent by weight of DSR as measured against a vessel's retained catch of halibut and other targeted species. Any catch in excess of 10 percent must be discarded at sea. However, anecdotal information from commercial fishermen suggests that in some places the incidental catch rate of DSR is much higher than 10 percent and that the 10 percent limit forces fishermen to discard and waste DSR that they cannot avoid catching. The mortality rate for rockfish discarded at sea is assumed to be 100 percent because they have a closed swim bladder that expands when they are brought to the surface and typically cannot be contracted again.

***Council Action and Objectives***

In June 1998, the Council approved a proposal from the State to require full retention of DSR in the SEO for the purpose of improving estimates of DSR mortality and estimates of the incidental catch rate of DSR in other fisheries. The proposal was intended to complement a similar proposal to the Alaska Board of Fish to govern retention of DSR caught in State waters. The Council's objectives in recommending this regulatory amendment were essentially fourfold:

1. To improve the gathering of information on the incidental catch of DSR in the halibut hook-and-line fishery and other fisheries in the SEO in order to more accurately estimate DSR fishing mortality, improve DSR stock assessments, and evaluate whether 10 percent is the appropriate maximum

- retainable percentage limit for DSR in the SEO;
2. To avoid, in the process of implementing a full retention program, either increasing incentives to target on DSR or increasing incentives to discard DSR that is harvested in excess of the amount that can legally be sold for profit;
  3. To minimize waste to the extent practicable while meeting objectives 1 and 2; and
  4. To maintain consistency between State and Federal regulations that govern the retention and disposition of DSR harvested in the SEO.

### ***Draft Proposed Rule***

The draft proposed rule would amend 50 CFR part 679 as follows:

1. Operators of federally-permitted vessels fishing for IFQ Pacific halibut or engaging in directed fishing for groundfish with hook-and-line or jig gear in the SEO would be required to retain all DSR, and to ensure that all DSR is landed, weighed, and reported on State of Alaska fish tickets.
2. Fishermen would be allowed to sell or otherwise dispose of retained incidental catch of DSR as follows:
  - (a) Fishermen could keep the revenues from the sale of DSR of up to ten percent of the aggregate round weight of IFQ Pacific halibut and groundfish species that were landed during the same fishing trip.
  - (b) DSR retained in excess of that ten percent limit could be disposed of in one of two ways:
    - (i) The excess DSR could be sold, and the proceeds relinquished to the State of Alaska within 60 days.
    - (ii) The excess DSR could be retained for any use except sale, barter, or trade.
3. The maximum retainable incidental catch limit for DSR that is currently in effect would be eliminated.

Attachment 2: Explanation of Legal Issues with Council's Preferred Action on DSR

Prepared by GCF and GCAK

The following describes the legal issues identified by NOAA General Counsel in reviewing the draft proposed rule to require full retention of demersal shelf rockfish (DSR) onboard Federally-permitted vessels participating in the hook-and-line and jig fisheries within Federal waters of the Southeast Outside District (SEO) of the Gulf of Alaska.

The subject regulatory amendment seeks to improve the information collected on the incidental catch of DSR in the hook-and-line and jig fisheries conducted within the SEO of the Gulf of Alaska. According to the draft proposed rule, improved information collection will be used to "more accurately estimate DSR fishing mortality, improve DSR stock assessments, and evaluate whether 10 percent is the appropriate maximum retainable percentage limit for DSR in the SEO." In order to improve the accuracy of the data concerning DSR incidental catch, the draft proposed rule requires full retention and the landing, weighing, and reporting (on State of Alaska fish tickets) of all DSR incidentally caught by federally-permitted vessels fishing for IFQ Pacific halibut or engaged in directed fishing for groundfish with hook-and-line or jig gear in the SEO. Furthermore, to avoid unwanted directed fishing incentives for DSR, the draft proposed rule permits fishermen to sell and keep sale proceeds for retained DSR up to an amount that is equivalent to 10 percent of the aggregate round weight of IFQ halibut and groundfish species open to directed fishing that are landed during the same fishing trip (hereinafter referred to as the "10 percent sale limit"). Amounts of retained DSR that are in excess of the 10 percent sale limit could be disposed of in one of two ways: (1) sell the excess DSR and relinquish all sale proceeds from such excess DSR to the State of Alaska within 60 days, or (2) retain the excess DSR for any use except sale, barter or trade. This second option could include personal use or donation to a non-profit charitable organization.

Although NOAA GC initially thought that the management scheme proposed by the Council was within the rulemaking authority of the Magnuson-Stevens Act (MSA), on review of the draft proposed rule developed by NMFS to implement the DSR measures, serious legal concerns were identified with Option 1 and its extension of MSA authority to the regulation of sale proceeds. While there is no caselaw regarding the extent of MSA authority to regulate the disposition of sale proceeds from legally harvested fish, NOAA GC has determined that such a provision likely exceeds the rulemaking authority provided by the MSA.

The MSA authorizes NMFS to take conservation and management measures "applicable to foreign fishing and fishing by vessels of the United States." 16 U.S.C. 1853(a). The MSA defines "fishing" to include the actual or attempted catching, taking or harvesting of fish, "any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish, or any operations at sea in support of, or in preparation for" the harvesting of fish (emphasis added). 16 U.S.C. 1802(15). Based on these and other provisions, the MSA is focused on harvesters. The Councils and NMFS have interpreted the MSA as providing authority to regulate what a fisherman can do with legally harvested fish as long as conservation and management reasons exist for such regulation. Regulations have been implemented by NMFS that regulate

processing activities by harvesters and at-sea processors, such as the roe-stripping and forage fish regulations in the North Pacific, and regulations that prohibit the sale of legally harvested fish.<sup>1</sup> These activities have been determined to fall within the MSA authority to regulate “fishing.” However, regulation of activities that occur after the fish has left the harvester’s control is less related to “fishing” and to the MSA’s conservation and management goals than to “the business arrangements between processors and harvesters.”<sup>2</sup> The draft proposed rule’s regulation of proceeds from the sale of legally harvested fish is one step beyond the MSA’s fishing focus and the authority granted to NMFS to regulate fishing.

Additionally, if the excess DSR is allowed to be sold to the processor via an ability to relinquish the harvester’s proceeds to the State of Alaska, more DSR than contemplated by the 10 percent sale limit could enter the stream of commerce, and could create incentives for arrangements between harvesters and processors that would undermine the rule’s objective of discouraging fishermen from targeting on DSR or fishing in areas where high DSR incidental catch is anticipated.<sup>3</sup>

Therefore, Option 1 for the disposal of DSR in excess of the 10 percent sale limit appears to exceed the rulemaking authority of the MSA and should not be part of the draft proposed rule.

Possible modification of the draft proposed rule to circumvent the identified legal issues

NMFS staff asked NOAA GC whether the draft proposed rule could be modified such that the Federal regulations would require full retention of DSR caught in the SEO but contain no provisions as to the disposition of DSR and sale proceeds. Under this Federal regulatory scheme, State of Alaska regulations would require that proceeds from the sale of DSR caught in the EEZ that are in excess of a 10 percent sale limit be relinquished to the State of Alaska. With this modification, NOAA GC examined whether, under the Supremacy Clause of the United States Constitution, the regulatory scheme implemented by the State of Alaska would be preempted by the Federal regulatory scheme in the EEZ.

The Supremacy Clause of the United States Constitution, Article IV, cl. 2, “nullifies state laws that ‘interfere with, or are contrary to’ federal law.” Louisiana Seafood Management Council,

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<sup>1</sup>See National Fisheries Institute, Inc. v. Mosbacher, 732 F. Supp. 210, 216 (D.D.C. 1990) (upholding NMFS prohibition against sale of legally harvested billfish finding that billfish were in need of conservation and that no-sale provision was rational way to achieve conservation objective).

<sup>2</sup>1989 Memorandum entitled “Limitations on Roe-Stripping,” co-authored by GCF and GCAK for the North Pacific Fishery Management Council, at 13.

<sup>3</sup>Compare National Fisheries Institute, Inc. v. Mosbacher, 732 F. Supp. at 216 (Secretary of Commerce reasonably determined that “no-sale” provision would discourage harvest of Atlantic billfish by preventing development of commercial billfish market.)

Inc. et al. v. Foster, 917 F. Supp 439, 442 (E.D. La. 1996) (quoting Gibbons v. Ogden, 22 U.S. 1 (1824)).

State law is found to conflict with an FMP regulation either when dual compliance with the state and federal laws is impossible<sup>4</sup> or when the state law “stands as an obstacle to the accomplishment of the full purposes and objectives of Congress.”<sup>5</sup> The former test is broad, including literal impossibility of dual compliance as well as scenarios where state standards are more stringent than their federal counterparts. In Vietnamese Fishermen Ass’n of America v. California Department of Fish and Game, 816 F. Supp. 1468 (N.D. Ca. 1993), the court held that a California law prohibiting the use of gill or trammel nets for taking rockfish in federal waters off the coast of California was preempted by a Pacific Council FMP prohibiting the use of such nets only in waters north of 38 degrees north latitude. The court found that, by its silence regarding waters south of this line, the FMP intended to allow gill and trammel nets in this area. The California law, establishing a stricter standard, was thus in conflict with the FMP and therefore preempted by it. Vietnamese Fishermen Ass’n of America, 816 F. Supp at 1475. However, the mere existence of federal regulations in the relevant subject matter does not automatically establish preemption.<sup>6</sup> The existence of an FMP regulation merely opens the way for further analysis of whether state and federal laws conflict.

As explained above, a modified Federal proposed rule would require only that all DSR caught in the EEZ be retained, landed, weighed and reported and there would be no limitations placed on the disposition of such fish or how much of the proceeds from the sale of such fish could be retained by the fisherman. Furthermore, there is an extensive administrative record that demonstrates Federal consideration but rejection of a limitation on the amount of sale proceeds that can be retained by the fisherman that could be used to help interpret any ambiguity as to what the Federal regulatory scheme intended, thus creating an even stronger presumption that no limitations be placed on the disposition of sale proceeds under the Federal regulatory scheme. However, State regulations would require that proceeds from the sale of DSR caught in the EEZ that are in excess of a 10 percent sale limit be relinquished to the State of Alaska. This scenario creates a situation wherein fish that would be required to be retained in the EEZ without any other limitation under Federal law would be required to be sold and the proceeds relinquished to the State of Alaska under State law. A reviewing court may find that the Federal law supersedes the State law because the State law of limiting receipt of sale proceeds could be found to interfere with and be contrary to the Federal law which sets no limit on receipt of sale proceeds and has an administrative record that considered but rejected such a limitation.

This situation is similar to the facts in State v. Sterling, 448 A. 2d 785, 787 (R.I. 1982). In State

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<sup>4</sup>Florida Lime & Avocado Growers, Inc. v. Paul, 373 U.S. 132, 142 (1963).

<sup>5</sup>Hines v. Davidowitz, 312 U.S. 52 (1941).

<sup>6</sup>See State of Alaska v. Painter, 695 P. 2d 241, 243 (Ct. App. Alaska 1985) (no preemption where trial court found state and federal regulations to be “substantially the same.”)



v. Sterling, a Rhode Island law purported to impose a landing-possession limit on yellowtail flounder of 3,000 pounds per boat per trip, without regard to the area of capture. An FMP regulation governing the fishing of yellowtail flounder in the same region established no per-trip possession or landing limits. Finding the Rhode Island statute in conflict with the FMP regulation, the court held that the state law was preempted.

Given the above, there could be preemption problems with the suggested Federal-State approach to limiting sale proceeds of DSR retained in excess of a specified amount. However, should the Council and NMFS ultimately adopt the modified draft proposed rule as suggested, it would be up to the State of Alaska to determine the defensibility of state regulations that placed limits on the disposition of sale proceeds.