

**Bering Sea Aleutian Islands Catch Report
(includes CDQ)**

Through: 19-MAR-11

**National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting**



Bering Sea

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Other Rockfish (includes CDQ)	19	425	406	4%	2
	Pacific Ocean Perch (includes CDQ)	17	4,854	4,837	0%	2
	Sablefish (Hook-and-Line and Pot)	4	1,140	1,136	0%	0
	Sablefish CDQ (Hook-and-Line and Pot)	18	285	267	6%	6
	Sablefish (Trawl)	0	1,211	1,211	0%	0
	Sablefish CDQ (Trawl)	0	107	107	0%	0
	Greenland Turbot	4	2,975	2,971	0%	0
	Greenland Turbot CDQ	0	375	375	0%	0
X	Pollock, AFA Inshore	168,352	551,498	383,146	31%	16,326
X	Pollock, AFA Catcher Processor	132,360	443,448	311,088	30%	17,526
X	Pollock, AFA Mothership	35,673	110,550	74,877	32%	5,280
X	Pollock CDQ	44,995	127,100	82,105	35%	3,944
	Pollock, Incidental Catch, non-Bogoslof (includes CDQ)	11,953	33,804	21,851	35%	1,103
	Pollock, Incidental Catch, Bogoslof (includes CDQ)	4	150	146	3%	0

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Alaska Region, Sustainable Fisheries
Catch Accounting



Aleutian Islands

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Other Rockfish (includes CDQ)	31	425	394	7%	6
	Pacific Ocean Perch, Eastern	526	5,054	4,528	10%	39
	Pacific Ocean Perch, Eastern CDQ	0	606	606	0%	0
	Pacific Ocean Perch, Central	25	4,429	4,404	1%	0
	Pacific Ocean Perch, Central CDQ	0	531	531	0%	0
	Pacific Ocean Perch, Western	0	7,474	7,474	0%	0
	Pacific Ocean Perch, Western CDQ	0	896	896	0%	0
	Rougheye Rockfish (includes CDQ) - BS + Eastern	3	199	196	1%	0
	Rougheye Rockfish (includes CDQ) - Central + Western	1	187	186	0%	0
	Atka Mackerel, Eastern ICA	2	75	73	3%	1
	Atka Mackerel, Eastern (Jig)	0	180	180	0%	0
X	Atka Mackerel, Eastern (Trawl)	6,043	35,734	29,691	17%	352
	Atka Mackerel, Eastern CDQ	285	4,312	4,027	7%	0
X	Atka Mackerel, Central (Trawl)	673	9,998	9,325	7%	0
	Atka Mackerel, Central ICA	10	75	65	13%	0
	Atka Mackerel, Central CDQ	0	1,207	1,207	0%	0
X	Atka Mackerel, Western (Trawl)	0	1,300	1,300	0%	0
	Atka Mackerel, Western ICA	0	40	40	0%	0
	Atka Mackerel, Western CDQ	0	161	161	0%	0
	Sablefish (Hook-and-Line and Pot)	15	1,140	1,125	1%	15
	Sablefish CDQ (Hook-and-Line and Pot)	0	285	285	0%	0
	Sablefish (Trawl)	0	404	404	0%	0
	Sablefish CDQ (Trawl)	0	36	36	0%	0
	Greenland Turbot (includes CDQ)	2	1,318	1,316	0%	2
X	Pollock	0	3,000	3,000	0%	0
X	Pollock CDQ	0	0	0	0%	0
X	Pollock, Incidental Catch (includes CDQ)	97	1,600	1,503	6%	15

Note: All weights are in metric tons.

Report run on: March 24, 2011 5:15 AM

Bering Sea Aleutian Islands Catch Report
(includes CDQ)
Through: 19-MAR-11

National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting



Bering Sea Aleutian Islands

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Alaska Plaice (includes CDQ)	4,992	13,600	8,608	37%	331
	Arrowtooth Flounder	885	22,015	21,130	4%	50
	Arrowtooth Flounder CDQ	38	2,771	2,733	1%	5
	Flathead Sole	3,976	37,102	33,126	11%	477
	Flathead Sole CDQ	274	4,446	4,172	6%	47
	Kamchatka Flounder (includes CDQ)	58	15,045	14,987	0%	5
	Northern Rockfish (includes CDQ)	156	3,400	3,244	5%	7
	Other Flatfish (includes CDQ)	495	2,550	2,055	19%	9
X	Pacific Cod, Catcher Processor (AFA)	3,250	4,682	1,432	69%	237
X	Pacific Cod, Catcher Processor (Amendment 80)	5,863	27,277	21,414	21%	908
X	Pacific Cod, Catcher Vessel (Trawl)	28,183	44,987	16,804	63%	4,319
X	Pacific Cod, Catcher Processor (Hook-and-Line)	37,580	98,733	61,153	38%	2,890
X	Pacific Cod, Catcher Vessel (Hook-and-Line >= 60 ft)	0	405	405	0%	0
X	Pacific Cod, Catcher Processor (Pot)	1,486	3,041	1,555	49%	0
X	Pacific Cod, Catcher Vessel (Pot >= 60 ft)	9,716	17,030	7,314	57%	0
X	Pacific Cod (Jig)	0	1,350	1,350	0%	0
	Pacific Cod (Hook-and-Line and Pot < 60 ft)	5,912	5,555	-357	106%	2
	Pacific Cod, Incidental Catch (Hook-and-Line and Pot)	10	500	490	2%	3
X	Pacific Cod CDQ	3,846	24,391	20,545	16%	1,237
	Rock Sole	36,474	75,905	39,431	48%	2,042
	Rock Sole CDQ	1,095	9,095	8,000	12%	157
	Shortraker Rockfish (includes CDQ)	3	334	331	1%	2
	Yellowfin Sole	29,322	175,028	145,706	17%	3,481
	Yellowfin Sole CDQ	2,034	20,972	18,938	10%	620
	Octopus (includes CDQ)	125	128	3	98%	5
	Sculpin (includes CDQ)	1,306	4,420	3,114	30%	156
	Shark (includes CDQ)	16	43	27	38%	2
	Skate (includes CDQ)	7,884	14,025	6,141	56%	676
	Squid (includes CDQ)	5	361	356	2%	3
Total:		586,096	1,987,779	1,401,683	29%	62,292

Other flatfish: all flatfish except Pacific halibut, flathead sole, Greenland turbot, rock sole, yellowfin sole, Kamchatka and arrowtooth flounder, and Alaska plaice.

Other rockfish: all Sebastes and Sebastolobus species except for Pacific ocean perch, northern, shortraker, and roughey rockfish.

For changes to the harvest specifications refer to <http://alaskafisheries.noaa.gov/2011/hschanges.htm>

**Bering Sea Aleutian Islands Prohibited Species Report
(includes CDQ fisheries)**

Through: 19-MAR-11

**National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting**



Chinook Salmon

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
X	BS Pollock (Pelagic)	Count	5,197	55,104	49,907	9%	306
X	BS Chinook Salmon PSQ	Count	373	4,896	4,523	8%	28
X	AI Pollock (Pelagic)	Count	0	647	647	0%	0
X	AI Chinook Salmon PSQ	Count	0	53	53	0%	0
Total:			5,570	60,700	55,130	9%	334

Halibut Mortality

Non-Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Halibut Mortality (Non-Trawl)	MT	123	832	709	15%	9
Total:			123	832	709	15%	9

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Halibut Mortality (Trawl)	MT	721	3,300	2,579	22%	39
Total:			721	3,300	2,579	22%	39

Trawl and Hook-and-Line Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Halibut Mortality PSQ	MT	27	393	366	7%	3
Total:			27	393	366	7%	3

Herring (includes CDQ fisheries)

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Pacific Cod	MT	0	33	33	0%	0
	Rockfish	MT	0	12	12	0%	0
	Rock Sole, Flathead Sole, Other Flatfish	MT	0	33	33	0%	0
	Pollock, Atka Mackerel, Other Species	MT	0	247	247	0%	0
	Pollock Pelagic	MT	0	1,737	1,737	0%	0
	Yellowfin Sole	MT	0	195	195	0%	0
	Turbot, Arrowtooth, Kamchatka, Sablefish	MT	0	16	16	0%	0
Total:			1	2,273	2,272	0%	0

Bering Sea Aleutian Islands Prohibited Species Report
(includes CDQ fisheries)

Through: 19-MAR-11

National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting



Opilio (Tanner) Crab - COBLZ

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Opilio Crab	Count	365,262	7,421,259	7,055,997	5%	49,986
	Opilio Crab PSQ	Count	15,891	889,221	873,330	2%	226
Total:			381,153	8,310,480	7,929,327	5%	50,212

Bairdi Crab, Zone 1

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Bairdi Crab	Count	51,857	741,190	689,333	7%	1,548
	Bairdi Crab PSQ	Count	2,726	88,810	86,084	3%	617
Total:			54,583	830,000	775,417	7%	2,165

Bairdi Crab, Zone 2

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Bairdi Crab	Count	102,286	2,250,360	2,148,074	5%	1,179
	Bairdi Crab PSQ	Count	3,931	269,640	265,709	1%	46
Total:			106,217	2,520,000	2,413,783	4%	1,225

Red King Crab, Zone 1

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Red King Crab	Count	24,694	175,921	151,227	14%	544
	Red King Crab PSQ	Count	2,465	21,079	18,614	12%	0
Total:			27,159	197,000	169,841	14%	544

Other flatfish for PSC monitoring: all flatfish except Pacific halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, and yellowfin sole.

COBLZ: C. Opilio Crab Bycatch Limitation Zone. 50 CFR 679.21(e) and Figure 13.

Zone 1: Federal Reporting Areas 508, 509, 512, 516.

Zone 2: Federal Reporting Areas 513, 517, 521.

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

Gulf of Alaska Catch Report

Through: 19-MAR-11

National Marine Fisheries Service Alaska Region, Sustainable Fisheries Catch Accounting



Western, Central Pollock

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
X	Pollock, 610 Shumagin	5,333	27,031	21,698	20%	1,650
X	Pollock, 620 Chirikof	22,028	37,365	15,337	59%	11,157
X	Pollock, 630 Kodiak	6,023	20,235	14,212	30%	15

Western Gulf

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Arrowtooth Flounder	104	8,000	7,896	1%	34
	Deep Water Flatfish	2	529	527	0%	0
	Shallow Water Flatfish	46	4,500	4,454	1%	20
	Flathead Sole	163	2,000	1,837	8%	41
	Rex Sole	30	1,517	1,487	2%	9
	Pacific Ocean Perch	3	2,798	2,795	0%	1
	Rougheye Rockfish	2	81	79	2%	0
	Shortraker Rockfish	2	134	132	1%	0
	Thornyhead Rockfish	1	425	424	0%	0
	Pelagic Shelf Rockfish	4	611	607	1%	0
	Northern Rockfish	1	2,573	2,572	0%	0
	Other Rockfish	6	212	206	3%	0
X	Pacific Cod, Inshore	12,970	20,507	7,537	63%	33
X	Pacific Cod, Offshore	1,045	2,279	1,234	46%	75
	Sablefish (Hook-and-Line)	1	1,296	1,295	0%	0
	Sablefish (Trawl)	0	324	324	0%	0
	Big Skate	36	598	562	6%	3
	Longnose Skate	7	81	74	8%	0

Gulf of Alaska Catch Report

Through: 19-MAR-11

National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting



Central Gulf

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Arrowtooth Flounder	2,894	30,000	27,106	10%	174
	Deep Water Flatfish	43	2,919	2,876	1%	1
	Shallow Water Flatfish	629	13,000	12,371	5%	1
	Flathead Sole	508	5,000	4,492	10%	31
	Rex Sole	484	6,294	5,810	8%	36
	Pacific Ocean Perch	4	10,379	10,375	0%	0
	Rougheye Rockfish	11	868	857	1%	1
	Shortraker Rockfish	9	325	316	3%	1
	Pelagic Shelf Rockfish	13	3,052	3,039	0%	1
	Northern Rockfish	12	2,281	2,269	1%	0
	Thornyhead Rockfish	10	637	627	2%	0
	Other Rockfish	11	507	496	2%	0
	Pacific Cod, Rockfish Program	0	0	0	0%	0
X	Pacific Cod, Inshore	19,431	36,326	16,895	53%	28
X	Pacific Cod, Offshore	958	4,036	3,078	24%	0
	Sablefish (Hook-and-Line)	31	3,792	3,761	1%	13
	Sablefish (Trawl)	17	948	931	2%	0
	Big Skate	675	2,049	1,374	33%	8
	Longnose Skate	215	2,009	1,794	11%	3

Eastern Gulf

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Rougheye Rockfish	37	363	326	10%	6
	Shortraker Rockfish	24	455	431	5%	4
	Thornyhead Rockfish	4	708	704	1%	4
	Pacific Cod, Inshore	221	1,758	1,537	13%	92
	Pacific Cod, Offshore	0	195	195	0%	0
	Big Skate	27	681	654	4%	10
	Longnose Skate	8	762	754	1%	2

Note: All weights are in metric tons.

Report run on: March 24, 2011 5:16 AM

Gulf of Alaska Catch Report

Through: 19-MAR-11

National Marine Fisheries Service Alaska Region, Sustainable Fisheries Catch Accounting



West Yakutat

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Arrowtooth Flounder	19	2,500	2,481	1%	0
	Deep Water Flatfish	0	2,083	2,083	0%	0
	Shallow Water Flatfish	0	1,228	1,228	0%	0
	Flathead Sole	0	2,064	2,064	0%	0
	Rex Sole	0	868	868	0%	0
	Pacific Ocean Perch	85	1,937	1,852	4%	0
	Pelagic Shelf Rockfish	0	407	407	0%	0
	Other Rockfish	4	276	272	2%	1
	Pollock	1,490	2,339	849	64%	0
	Sablefish (Hook-and-Line)	104	1,744	1,640	6%	102
	Sablefish (Trawl)	0	247	247	0%	0

Southeast

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Arrowtooth Flounder	0	2,500	2,500	0%	0
	Deep Water Flatfish	0	774	774	0%	0
	Shallow Water Flatfish	0	1,334	1,334	0%	0
	Flathead Sole	0	1,523	1,523	0%	0
	Rex Sole	0	886	886	0%	0
	Pacific Ocean Perch	0	1,883	1,883	0%	0
	Pelagic Shelf Rockfish	0	684	684	0%	0
	Other Rockfish	0	200	200	0%	0
	Pollock	0	9,245	9,245	0%	0
	Demersal Shelf Rockfish	3	295	292	1%	1
	Sablefish (Hook-and-Line)	314	2,940	2,626	11%	240

Entire Gulf

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Atka Mackerel	9	2,000	1,991	0%	0
	Octopus	138	954	816	14%	1
	Sculpin	250	5,496	5,246	5%	2
	Shark	33	6,197	6,164	1%	6
	Other Skates	290	2,093	1,803	14%	9
	Squid	189	1,148	959	16%	74
Total:		77,011	318,285	241,274	24%	13,889

Gulf of Alaska Prohibited Species Report

Through: 19-MAR-11

National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting



Non-Chinook Salmon

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Non Chinook Salmon	Count	85	0			2
Total:			85	0			2

Chinook Salmon

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Chinook Salmon	Count	2,954	0			371
Total:			2,954	0			371

Halibut Mortality

Non-Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
X	Other Hook-and-Line Fisheries	MT	77	290	213	26%	1
Total:			77	290	213	26%	1

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Trawl Fishery	MT	233	2,000	1,767	12%	4
Total:			233	2,000	1,767	12%	4

No PSC Limits apply to salmon in the GOA.

Other hook-and-line fisheries means all hook-and-line fisheries except sablefish and demersal shelf rockfish in the Southeast District. The hook-and-line sablefish fishery is exempt from halibut PSC limits.

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

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

Trawl halibut PSC limit data include catch from Rockfish Pilot Program cooperatives.

Gulf of Alaska Halibut Mortality Report

Through: 19-MAR-11

National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting



Trawl Fisheries

Deep Water Species Complex

Season	Begin	End	Total Catch	Limit	Limit Remaining	% Taken
1st Season	20-JAN-11	01-APR-11	48	100	52	48%
2nd Season	01-APR-11	01-JUL-11	0	300	300	0%
3rd Season	01-JUL-11	01-SEP-11	0	400	400	0%
4th Season	01-SEP-11	01-OCT-11	0	0	0	0%
Total:			48	800	752	6%

Shallow Water Species Complex

Season	Begin	End	Total Catch	Limit	Limit Remaining	% Taken
1st Season	20-JAN-11	01-APR-11	185	450	265	41%
2nd Season	01-APR-11	01-JUL-11	0	100	100	0%
3rd Season	01-JUL-11	01-SEP-11	0	200	200	0%
4th Season	01-SEP-11	01-OCT-11	0	150	150	0%
Total:			185	900	715	21%

Year-To-Date

Account	Total Catch	Limit	Limit Remaining	% Taken	Last Wk Catch
Trawl Fishery	233	2,000	1,767	12%	4

Other Hook-and-Line Fisheries

Season	Begin	End	Total Catch	Limit	Limit Remaining	% Taken
1st Season	01-JAN-11	10-JUN-11	77	250	173	31%
2nd Season	10-JUN-11	01-SEP-11	0	5	5	0%
3rd Season	01-SEP-11	31-DEC-11	0	35	35	0%
			77	290	213	26%

Deep-water species complex: sablefish, rockfish, deep-water flatfish, rex sole and arrowtooth flounder. Shallow-water species complex: pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and 'other species'.

No apportionment between shallow-water and deep-water fishery complexes during October 1 to December 31 (300 mt allocated).

Other hook-and-line fisheries means all hook-and-line fisheries except sablefish and demersal shelf rockfish in the Southeast District.

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

National Marine Fisheries Service
 Alaska Region, Inseason Management Highlights, March 24, 2011

2011 catch is through March 19 and 2010 catch is through March 20 unless otherwise stated.

Bering Sea and Aleutian Islands

Bering Sea Pollock

The 2011 TAC for Bering Sea pollock is 1,252,000 metric tons (mt) compared to 813,000 mt in 2010. NMFS reallocated Aleutian Islands pollock TAC of 1,900 mt for CDQ and 12,500 mt for the inshore, C/P, and mothership directed fisheries. The A season allocations including this reallocation are: CDQ 50,840 mt, inshore 221,099 mt, catcher/processor (C/P) 176,879 mt, and mothership 44,220 mt. Catch is at 75-90% of each sector's A season allocation. As of March 19, 2011, 14 C/Ps, 3 motherships, and 63 catcher vessels have reports targeting pollock.

Catch by all sector except CDQ

1/22/2011	4,471	1/23/2010	4,990
1/29/2011	22,777	1/30/2010	7,909
2/05/2011	42,780	2/06/2010	14,348
2/12/2011	47,044	2/13/2010	21,466
2/19/2011	45,850	2/20/2010	33,315
2/26/2011	42,999	2/27/2010	32,008
3/05/2011	42,866	3/06/2010	20,771
3/12/2011	48,466	3/13/2010	34,994
3/19/2011	39,132	3/20/2010	34,270
Total	336,385	Total	204,072

Chinook Salmon in the pollock fishery

In 2011, the Amendment 91 Chinook salmon bycatch management program started for the Bering Sea pollock fishery. It combines a limit on the amount of Chinook salmon that may be caught incidentally with incentive plan agreements and performance standards. Two new catch reports are updated each week to track these salmon limits.

	2011	2010
CDQ	373	318
Non-CDQ	5,109	6,842

Pacific cod

Hook-and-line C/Ps

The hook-and-line C/Ps are operating under a voluntary cooperative. The 2011 A season allocation is 50,354 mt. As of March 19, 2011, there are 28 hook-and-line C/Ps reporting. During the 2010 A season 36 hook-and-line C/Ps took 37,587 mt with a daily rate of about 940 mt. The first full week, ending January 9, had the highest catch in the 2010 A season at 7,546 mt. The fishery closed February 9, 2010.

1/01/2011	181	1/02/2010	2,231
1/08/2011	1,795	1/09/2010	7,546
1/15/2011	3,089	1/16/2010	6,094
1/22/2011	2,901	1/23/2010	5,223
1/29/2011	2,817	1/30/2010	7,108
2/05/2011	4,261	2/06/2010	6,793
2/12/2011	3,850	2/13/2010	2,592
2/19/2011	3,826	2/20/2010	0
2/26/2011	3,824	2/27/2010	0
3/05/2011	4,465	3/06/2010	0
3/12/2011	3,682	3/13/2010	0
3/19/2011	2,890	3/20/2010	0
Total	37,580	Total	37,587
TAC	50,354		37,230
Remaining	12,774		357

Hook-and-line or pot gear less than 60 ft length overall

The 2011 annual allocation is 5,555 mt (including the reallocation of 1,500 mt from the jig allocation to the less than 60 ft sector). This fishery closed March 8, 2011 with six hook-and-line and 13 pot vessels reporting 5,910 mt from the Bering Sea. In late April, 2011 NMFS will consider a second reallocation from the jig sector's B season allocation of 570 mt that becomes available April 30. In 2010, the jig sector's annual catch was 344 mt of Pacific cod. During the first opening in 2010, five hook-and-line and 12 pot vessels caught 4,181 mt in the Bering Sea and the fishery closed March 25, 2010. On April 30, 2010, NMFS reallocated 400 mt from jig gear and opened the less than 60 ft fishery from April 30 to May 19, 2010.

Trawl catcher vessels

The A season closed March 26, 2011. The B season allocation of 4,949 mt becomes available April 1. At the current catch rates the B season is expected to remain open about three days. In 2010, the A season closed March 12, 2010. The 2010 B season did not open considering the overage in the A season and incidental catch in the pollock fishery.

Trawl catcher vessels (directed and incidental catch)

1/22/2011	342	1/23/2010	345
1/29/2011	2,301	1/30/2010	1,393
2/05/2011	2,798	2/06/2010	2,021
2/12/2011	3,356	2/13/2010	2,847
2/19/2011	3,489	2/20/2010	4,621
2/26/2011	2,944	2/27/2010	4,314
3/05/2011	4,464	3/06/2010	5,552
3/12/2011	4,170	3/13/2010	5,352
3/19/2011	4,319	3/20/2010	315
Total	28,183	Total	26,761
A season	33,290		24,649
Remaining	5,107		-2,112

Hook-and-line catcher vessels >= 60 feet length overall (LOA) and jig

The hook-and-line catcher vessels >= 60 feet LOA and jig sectors remain open with no participation.

Flatfish

For all sectors, the 2011 the flathead sole catch is lower and the rock sole and yellowfin sole catch is higher than 2010.

	2011	2010
Flathead sole	4,250	4,970
Rock sole	37,569	28,181
Yellowfin sole	31,356	27,627

Halibut mortality

Halibut mortality is less for non-pelagic trawl (NPT) and hook-and-line gear. The halibut mortality and groundfish catch is higher for pelagic trawl gear (PTR).

	2011	2010
BSAI PTR	166 / 352,587	120 / 214,293
BSAI NPT	553 / 117,312	770 / 128,841
BSAI hook-and-line	123 / 44,326	232 / 43,920

Gulf of Alaska

Western GOA Pacific cod

The 2011 A season inshore fishery closed February 16 compared to February 19 in 2010. The 2011 A season allocations are 12,304 mt for the inshore component and 1,367 mt for the offshore component. The 2011 inshore component A season catch by gear is: pot 64%, hook-and-line gear 20%, and trawl gear 16%. The 2010 inshore component A season catch by gear is: pot 61%, hook-and-line gear 23%, and trawl gear 16%. The 2011 catch for the offshore component is 1,045 mt out of the 1,367 mt A season allocation leaving 322 mt. Currently there is no effort in the offshore component. In 2010, the offshore component closed March 3, 2010.

Central GOA Pacific cod

The 2011 A season inshore fishery closed January 29 compared to January 31 in 2010. The 2011 A season allocations are 21,795 mt for inshore and 2,422 mt for offshore components. The 2011 inshore component A season catch by gear is: pot 46%, hook-and-line 23%, trawl 30% and jig 1%. The 2010 inshore component A season catch by gear is: pot 39%, hook-and-line 23%, and trawl 38%. The catch for the offshore component is 958 mt out of the 2,422 mt A season allocation leaving 1,464 mt. Currently there is no effort in the offshore component. In 2010, the offshore component closed February 24, 2010.

Pollock

The 2011 A season allocations are: 4,786 mt in 610, 11,895 mt in 620, and 4,475 mt in 630. Area 610 closed January 24 and reopened February 27. The A season remained open until the B season opened March 10, 2011. The B season closed March 26, 2011.

Area 620 closed for the A season February 25, 2011. The B season opened March 10, 2011, with a seasonal allocation of 14,232 mt. The fleet started fishing the B season in area 620 March 15 and the fishery closed March 22, 2011.

Area 630 closed January 21 and reopened February 28 to March 1, 2011. No catch was reported for the second opening and NMFS reopened the A season March 7, 2011. The A season remained open until the B season opened March 10, 2011, with an additional seasonal allocation of 2,139 mt. NMFS closed the B season March 12, 2011.

Chinook Salmon

Through March 19, 2011, Chinook salmon in the GOA pollock fishery for all areas is 2,511 salmon compared to 5,150 salmon through 3/20 in 2010.

Halibut PSC limit

Deep and Shallow Water Complex Trawl Fisheries

Both the deep and shallow water complexes remain open. For deep-water, 116 mt has accrued out of the current 100 mt limit. NMFS expect this number to adjust downward as more observer data enters the catch accounting system. For shallow water, 185 mt has accrued out of the current 450 mt limit. The 2nd season halibut mortality allowances become available April 1.

Halibut mortality and total groundfish

	2011	2010
GOA trawl	300 / 50,463	205 / 48,218
GOA hook-and-line	77 / 11,382	134 / 13,886

Status of FMP Amendments
March 25, 2011

FMP Amendment Status: <u>Actions Since February 2011</u>	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 or Notice of Approval Published in Federal Register
Amendment 30 (KTC) – Arbitration System Changes	June 2008	PR: 1/28/09				
Amendment 31 (KTC) – C-Share Active Participation	June 2008					
Amendment 34 (KTC) – Adjustments to GOA sideboards for BSAI crab vessels	Oct 2008	PR:3/29/10	PR: 3/8/11	March 14, 2011 76 FR 13593 EOC: 5/13/11	March 28, 2011 76 FR 17088 EOC: 4/27/11	
Amendment 37 (KTC) – Exemption to west region landing requirements for WAG	April 2010	PR: 11/8/10	PR: 1/25/11	February 1, 2011 76 FR 5556 EOC: April 4, 2011	February 15, 2011 76 FR 8700 EOC: 4/1/11	
Amendment 38 (KTC) – Crab ACLs Revise rebuilding schedule for snow crab	October 2010	NOA: 3/4/11				
Amendment 41 (KTC) – Crab regional emergency relief	December 2010					
Amendment 13 (Scallop FMP) – Weathervane scallop ACL, move non-weathervane species to EC	October 2010					
Amendment 83 (GOA) Pacific cod sector splits	December 2009					
Amendment 86 (GOA) – fixed gear endorsement for Pacific cod Approved September 30, 2010	June 2009	PR:12/4/09 FR: 1/28/11	PR: 6/28/10 FR: 3/2/11	July 2, 2010 75 FR 38452 EOC: August 31, 2010	July 23, 2010 75 FR 43118 EOC: Sept. 7, 2010	March 22, 2011 76 FR 15826 Effective April 21, 2011
Amendment 86/76 – Observer Restructuring	October 2010					

Status of FMP Amendments
March 25, 2011

FMP Amendment Status: <u>Actions Since February 2011</u>	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 or Notice of Approval Published in Federal Register
Amendment 88 (GOA)-Central GOA rockfish program	June 2010					
Amendment 89 (GOA) Tanner crab protection	October 2010					
Amendment 93 (BSAI)-Modify Amd 80 sector coop formation criteria	February 2010	PR: 2/1/11				
Amendment 97 (BSAI) – Amd 80 lost vessel replacement	June 2010					
Amendments to all FMPS to authorize permit fees (101/92/36/14/10)	October 2009					

Status of Regulatory Amendments
March 25, 2011

Regulatory Amendment Status: <u>Actions Since February 2011</u>	Date of Council Action	Start Regional Review of Rule	Transmittal Date of Rule to NMFS Headquarters	Proposed Rule in Federal Register	Final Rule Published in Federal Register
Groundfish/Crab Regulatory Amendments					
Steller sea lion protection measures	NMFS	FR: 11/19/10	FR: 11/26/10		December 13, 2011 75 FR 77535 EOC: 2/28/11
BSAI 2011/2012 harvest specifications	October 2010	PR: 11/4/10 FR: 1/3/11	PR: 11/22/10 FR 2/10/11	December 8, 2010 75 FR 76372 EOC: 1/7/11	March 1, 2011 76 FR 11139 Effective 3/1/11
GOA 2011/2012 harvest specifications	October 2010	PR: 10/30/10 FR: 12/29/10	PR: 11/23/10 FR 2/9/11	December 8, 2010 75 FR 76352 EOC: 1/7/11	March 1, 2011 76 FR 11111 Effective 3/1/11
Revisions to MRAs in the BSAI arrowtooth flounder fishery	October 2010				
Extend Emergency Rule suspending GRS requirements (current ER eff. through 6/13/11)	June 2010				
Remove GRS	February 2011				
BS Chinook salmon bycatch economic data collection	12/09 final action 10/10 review regs.				
BSAI fixed gear parallel fishery management measures	June 2009	PR: 6/3/10	PR: 2/23/11	March 11, 2011 76 FR 13331 EOC: 4/11/11	

Status of Regulatory Amendments
March 25, 2011

Regulatory Amendment Status: <u>Actions Since February 2011</u>	Date of Council Action	Start Regional Review of Rule	Transmittal Date of Rule to NMFS Headquarters	Proposed Rule in <i>Federal Register</i>	Final Rule Published in <i>Federal Register</i>
CDQ regulation of harvest	MSA Council 6/07	PR: 12/17/08	PR: 6/10/10	July 13, 2010 75 FR 39892 EOC: August 12, 2010	
Remove preliminary annual report requirement for AFA co-ops	NMFS	PR: 9/21/10	PR: 11/29/10 FR: 2/18/11	December 20, 2010 75 FR 79333 EOC: January 4, 2011	March 9, 2011 76 FR 12884 Effective 4/8/11
Miscellaneous R&R revisions, including revisions to eLandings	NMFS	PR: 6/7/10	PR: 1/18/11	February 11, 2011 76 FR 7788 EOC: March 14, 2011	

Status of Regulatory Amendments
March 25, 2011

Regulatory Amendment Status: <u>Actions Since February 2011</u>	Date of Council Action	Start Regional Review of Rule	Transmittal Date of Rule to NMFS Headquarters	Proposed Rule in <i>Federal Register</i>	Final Rule Published in <i>Federal Register</i>
Halibut Regulations					
Remove halibut/sablefish quota from initial recipients who never have fished or transferred quota	June 2006		PR: 8/12/09	August 23, 2010 75 FR 51741 EOC: September 22, 2010	
Establish new minimum vessel ownership criteria for using hired skipper of 12 months and 20% interest	December 2007				
Halibut catch share plan	October 2008	PR: 1/28/10			
Clarify charter logbook submission requirements	NMFS	PR: 1/12/10 FR: 10/8/10	PR: 4/2/10 FR: 1/12/11	April 27, 2010 75 FR 22010 EOC: May 12, 2010	February 8, 2011 76 FR 6567 Effective: 3/9/11
Add 3 new communities to GOA CQE Program	December 2010				
Halibut annual management measures	IPHC/NMFS	FR: 2/4/11	FR: 3/8/11		March 16, 2011 76 FR 14300 Effective 4/15/11
Interpretative Rule related to the charter halibut regulations	NMFS		IR: 3/23/11		
Interpretative Rule related to charter halibut logbook regulations	NMFS				



PRESS RELEASE

COMMISSIONER'S OFFICE

FOR IMMEDIATE RELEASE: March 1, 2011

No. 11-13

Contact: Stefanie Moreland, Federal Fisheries Coordinator, 907-465-6155

**Agreement Reached to Maintain Longstanding State & Federal
Boundaries for Fisheries Management in 2011**

(Juneau) - Responding to an appeal from Alaska Department of Fish and Game Commissioner Cora Campbell, the National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA Fisheries) has stated that a new 3-mile line established on NOAA nautical charts has no impact on state and federal fisheries management this year. Fishing regulations based on the longstanding maritime boundary lines that determine state and federal jurisdiction will remain in effect for 2011.

"I am pleased that NOAA Fisheries has recognized the serious impact of enforcing the new boundary lines," said Commissioner Campbell. "It is unfortunate that fishermen were displaced from some historical fishing grounds in recent cod fisheries, but now we are back to the established lines and regulations while we work to resolve outstanding issues."

The new lines were established by NOAA Office of Coast Survey, under authority of the U.S. Baseline Committee, as part of a nationwide mapping project. The process for changing lines off Alaska did not provide for consultation with the state, and did not contemplate immediate changes in fisheries management. There are a number of unresolved legal and technical concerns over the new lines. The Alaska Department of Natural Resources is leading state efforts to work with the U.S. Baseline Committee on a review of the methodology used to establish the new lines off Alaska.

The issues involving fisheries jurisdiction came to the forefront through a decision by the NOAA Office of Law Enforcement in late December to begin enforcing fisheries regulations utilizing a new 3-mile boundary line that is shown on recent NOAA nautical charts. That decision, now overturned, affected fishery management measures and permit requirements that have been adopted by Alaska Board of Fisheries and the federal North Pacific Fishery Management Council (Council). Fisheries for Pacific cod in the waters of Kachemak Bay and the Kodiak Island area were the first to be affected.

In a February 28, 2011, letter to Commissioner Campbell, Eric Schwaab, NOAA Assistant Administrator for Fisheries stated that NOAA intends to proceed with fisheries management and enforcement for 2011 that recognizes the historical 3-mile lines. The NOAA Fisheries letter notes they will coordinate with the State of Alaska and the Council in considering what, if any, changes may be appropriate for long-term state and federal fisheries management.

The Alaska Department of Fish and Game (ADF&G) looks forward to working with NOAA Fisheries, the Alaska Board of Fisheries, and the Council to develop coordinated fisheries management solutions if changes are necessary.

For state-federal fisheries management boundary lines now in effect, see ADF&G groundfish/shellfish statistical area charts at <http://www.adfg.alaska.gov/index.cfm?adfg=fishingCommercialByFishery.statmaps> or ADF&G's regulatory definition of state waters at 5 AAC 39.975(13).

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FEB 28 2011



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

THE DIRECTOR

Ms. Cora Campbell
Commissioner
Alaska Department of Fish and Game
Juneau, Alaska

Dear Commissioner Campbell:

Thank you for your letter to Dr. James Balsiger, NOAA Fisheries Regional Administrator for Alaska, regarding fishery management issues raised by recent changes in the Alaska area baseline and resulting changes to the 3-nautical mile line on navigational charts. In your letter, you noted that, in a number of areas, the changes could result in substantial reductions in waters previously considered to be under state jurisdiction. Such areas include Kachemak Bay, Uyak Bay, and Nushagak Bay.

In Kachemak Bay and Uyak Bay, State of Alaska fisheries for Pacific cod that open after closure of a Federal and State parallel fishery have been disrupted because significant fishing grounds are now outside the 3-mile line as newly charted, and there is concern that under existing federal regulations these areas may be unavailable to vessels that had fished the areas during the State waters fishery. The situation is most urgent in Kachemak Bay, where grounds accounting for as much as 50% of the State waters fishery catch are now outside the 3-mile line. We understand that the Alaska Attorney General has opined that the areas are now closed to state-permitted vessels. The fisheries are seasonal, and if this situation is not clarified very soon, the opportunity to harvest the fish will be lost for the year. I further realize that there is concern that the change in the 3-mile line could have removed certain protections, including prohibitions to bottom trawling in Uyak Bay, that the State believes are important for conserving fishery resources and habitats.

The effect of recharting the 3-mile line on existing fishery management regimes raises a number of complex issues that we do not believe can be resolved before the seasonal fishery ends this year. Because of the uncertainty regarding the effect of the change, the need to take additional time to resolve these issues, and the potentially significant impacts on Alaska fishermen, NOAA intends to proceed for this fishing year by maintaining the status quo – that is, as though the change in the 3-mile line had no impact on the existing Federal fishery management plan and regulations and their geographic extent. We hope the State of Alaska would take a similar approach pending a resolution of the issue – that is, continuing to enforce the state fishery regulations in the area in question for this fishing year. We plan to move expeditiously to resolve the underlying issue.

I regret the confusion that the change in the charted 3-mile line has caused for the State and for affected fishermen. I assure you that we will proceed as expeditiously as possible to resolve the underlying questions, and that we will cooperate with the State, the North Pacific Council, and other agencies in considering, what if any, changes may be appropriate for long-term State and Federal management of the fishery.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric C. Schwaab".

Eric C. Schwaab

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES



North Pacific Fishery Management Council

Eric A. Olson, Chairman
Chris Oliver, Executive Director



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February 14, 2011

U.S. Baseline Committee Chair, Kevin Baumert
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Dear Mr. Baumert:

The North Pacific Fishery Management Council (Council) met January 30 through February 7, 2011 in Seattle, Washington. During that meeting, it was brought to the attention of the Council that the U.S. Baseline Committee redefined the baseline for Alaska, thereby compelling NOAA to revise the 3 nautical mile territorial line appearing on NOAA nautical charts for Alaska. The Council understands that the recently completed updating of the baseline for Alaska was part of a multi-year project to digitize the entire U.S. baseline and offshore lines that establish the U.S. Exclusive Economic Zone. One effect of the change, however, was an unanticipated and immediate disruption in State and Federal fisheries management.

The charted 3 nautical mile line is critical to fishery management and enforcement. The Council and National Marine Fisheries Service have authority over fishing activity in federal waters and the Alaska Board of Fisheries and Department of Fish and Game have authority in state waters.

The State of Alaska submitted technical comments on portions of the new baseline to the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) in early 2010. It is our understanding the U.S. Baseline Committee intends to review and consider the State's comments. Two areas included in State comments are Kachemak Bay (Cook Inlet) and Uyak Bay (Kodiak Island). State and Federal fisheries occur in each of these two areas, operating under different regulatory structures.

The Council intends to work as quickly as possible to identify and address each area affected by the new baseline and 3 nautical mile territorial line. The Council would need to recommend appropriate federal regulatory or fishery management plan amendments to the Secretary of Commerce if they choose to restore fishery management measures in areas where federal fishery measures replaced state fishery measures due to baseline changes. The process is lengthy and requires extensive review and analysis. We urge you to work with the State of Alaska in a timely manner to resolve technical concerns addressed in their comments. In order to incorporate any new revisions that could result from a review of the State's comments, please provide us information on the anticipated process and timeline for such review. Thank you for your prompt consideration of these issues.

Sincerely,

A handwritten signature in black ink that reads "Chris Oliver". The signature is written in a cursive, flowing style.

Chris Oliver
Executive Director

CC: Dr. Jane Lubchenco, NOAA Administrator



United States Department of State

Washington, D.C. 20520

www.state.gov

March 24, 2011

North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Dear Mr. Oliver,

Thank you for your letter of February 14, 2011 concerning the North Pacific Fishery Management Council's recent meeting and the U.S. Baseline Committee. I would like to take this opportunity to respond to your requests and also to provide some basic information about the Committee.

The primary purpose of the Baseline Committee, which was established in 1970, is to portray the U.S. government's international position with respect to Federal maritime jurisdiction. The Committee reviews the latest-edition NOAA charts and applies the provisions of the 1958 Convention on the Territorial Sea and the Contiguous Zone to determine the baselines from which the territorial sea (12 nautical miles), contiguous zone (24 nm), and exclusive economic zone (200 nm) are measured. The Committee determines, by consensus, the proper location of the U.S. baseline, applying the provisions of the 1958 Convention to ensure that the seaward extent of U.S. maritime zones do not exceed the breadth permitted by international law. The current members of the Committee include the Departments of State (Chair), Commerce (NOAA), Justice, Interior (BOEMRE), and Homeland Security (U.S. Coast Guard), among others.

In response to ongoing constituent demands for digital boundaries as well as to support efforts to move toward electronic charts, NOAA requested that the Baseline Committee review all U.S. baselines beginning in 2002. The Committee commenced its work on Alaska in 2005 and finished the bulk of this work in 2006. In 2008, Alaska's Department of Natural Resources (DNR) requested, and the Committee provided, the minutes for two meetings at which the Committee determined closing lines for certain Alaskan bays, including Kachemak and Uyak bays. (In 2010, DNR made an additional request for Committee minutes, which have been provided.) In response to the information provided by the Committee in 2008, DNR has recently provided detailed comments and proposals relating to closing lines of nine Alaska bays, and has noted that it is continuing its review of additional Committee minutes. The Baseline Committee

will review and give consideration to the Alaska proposals the Committee has already received, and will do the same for additional proposals that Alaska wishes to provide. The Committee's consideration of DNR proposals will be undertaken as part of a broader and more systematic review of the baseline for Alaska, which has been the subject of intensive re-surveying and charting over the last several years. While we have not yet developed a timetable for this review, we hope to complete the review in 2011.

I note that your letter stressed the importance of the charted 3 nm line for fishery management and enforcement, and that changes to the U.S. baseline can affect the 3 nm line. It is important to be aware that this line does not necessarily coincide with the Federal/State boundary for purposes of the Submerged Lands Act and likewise may not be coincident with the division of Federal and State jurisdiction with respect to fisheries management. Those matters are not within the ambit of the Committee's work which, as described above, pertains to ensuring that U.S. Federal maritime jurisdiction is consistent with international law.

The Committee will continue to be directly in touch with the Alaska DNR regarding its views, and I will be pleased to keep you apprised of the Committee's work, including the outcome of the Committee's review with respect to the closing lines for Kachemak and Uyak bays.

Sincerely,



Kevin A. Baumert
Chair, U.S. Baseline Committee
U.S. Department of State
Office of the Legal Adviser
202-646-1646

CC: Dr. Jane Lubchenco, NOAA Administrator

North Pacific Fishery Management Council

Eric A. Olson, Chairman
Chris Oliver, Executive Director



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February 14, 2011

Dr. Jane Lubchenco, Administrator
National Oceanic and Atmospheric Administration
1401 Constitution Avenue, NW, Room 5128
Washington, DC 20230

Dear Dr. Lubchenco:

The North Pacific Fishery Management Council (Council) met January 31 through February 7, 2011 in Seattle, Washington. During that meeting, it was brought to the attention of the Council that the U.S. Baseline Committee redefined the baseline for Alaska, thereby compelling NOAA to revise the 3 nautical mile territorial line appearing on NOAA nautical charts for Alaska. The Council understands that the recently completed updating of the baseline for Alaska was part of a multi-year project to digitize the entire U.S. baseline and offshore lines that establish the U.S. Exclusive Economic Zone. One effect of the recent changes to the Alaska baseline, however, was an unanticipated and immediate disruption in the State and Federal fisheries management and enforcement.

NOAA Office of Law Enforcement (OLE) alerted the Council at the February 2011 meeting of the change in the 3 nautical mile territorial line and their efforts to enforce the new boundary as the inner extent of the federal fishing zone. OLE has provided verbal notice of the change in jurisdiction to fishery participants in two affected areas: Kachemak Bay (Cook Inlet) and Uyak Bay (Kodiak Island). The line shifted inward significantly in each of these areas, reducing fishing grounds to Alaska State fishery participants and applying Federal fishery regulations to areas previously under State fishery management plans. In the case of Uyak Bay, the new federal fishing zone opens an area to bottom trawling that had been closed under State regulations as a crab protection and conservation measure. As a result of these changes to the baseline and the 3 nautical mile line, the current fisheries in Kachemak Bay and Uyak Bay are disrupted causing loss of access to resources and negative impacts to State fishery participants and communities.

The Council intends to work as quickly as possible to identify and address each area affected by the new baseline and 3 nautical mile territorial line. Addressing these fishery disruptions through the Federal and State management process, even through emergency action, will take some time to implement thereby continuing the disruption of these State and Federal fisheries for some time. Given the revelation of these changes to the baseline and 3 nautical mile line and the significance of these changes on management and enforcement of federal and state fisheries, the Council voted unanimously to request NOAA to expeditiously implement an enforcement policy that allows the State of Alaska to operate its fisheries in Kachemak Bay, Uyak Bay, and other similarly affected areas using the 3 nautical mile territorial line in place prior to the baseline update. State waters are defined under Alaska Administrative Code at 5 AAC 39.975(13), and the previous version of the 3 nautical mile line is shown on widely distributed State of Alaska groundfish and shellfish statistical area charts that are used for catch accounting in State and Federal fisheries off Alaska. These resources may be of use in establishing such an enforcement policy.

In summary, allowing Federal and State fishery participants to continue using the old 3 nautical mile territorial line until management changes can be implemented at both the Federal and State level, will

reduce disruption to fisheries in areas of significant change, and will support long-standing management objectives for Federal and State fishery resources. In addition, while we do appreciate the efforts of NOAA Enforcement Alaska Region to apprise fishermen of these changes, the Council notes that better coordination between Federal and State fishery managers and regulatory bodies concerning boundary changes should be a priority to allow time to change regulations and avoid disruption of Federal and State fisheries.

Sincerely,



Chris Oliver
Executive Director

CC: Dr. Jim Balsiger, RA Alaska Region
Mr. Alan Risenhoover, NOAA Enforcement
Ms. Sherrie Myers, NOAA Enforcement
Mr. Kenneth Hansen, NOAA Enforcement
Ms. Cora Campbell, Commissioner ADF&G

FEB 28 2011



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910
THE DIRECTOR

Ms. Cora Campbell
Commissioner
Alaska Department of Fish and Game
Juneau, Alaska

Dear Commissioner Campbell:

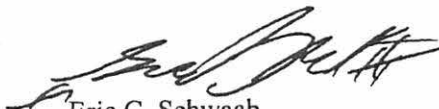
Thank you for your letter to Dr. James Balsiger, NOAA Fisheries Regional Administrator for Alaska, regarding fishery management issues raised by recent changes in the Alaska area baseline and resulting changes to the 3-nautical mile line on navigational charts. In your letter, you noted that, in a number of areas, the changes could result in substantial reductions in waters previously considered to be under state jurisdiction. Such areas include Kachemak Bay, Uyak Bay, and Nushagak Bay.

In Kachemak Bay and Uyak Bay, State of Alaska fisheries for Pacific cod that open after closure of a Federal and State parallel fishery have been disrupted because significant fishing grounds are now outside the 3-mile line as newly charted, and there is concern that under existing federal regulations these areas may be unavailable to vessels that had fished the areas during the State waters fishery. The situation is most urgent in Kachemak Bay, where grounds accounting for as much as 50% of the State waters fishery catch are now outside the 3-mile line. We understand that the Alaska Attorney General has opined that the areas are now closed to state-permitted vessels. The fisheries are seasonal, and if this situation is not clarified very soon, the opportunity to harvest the fish will be lost for the year. I further realize that there is concern that the change in the 3-mile line could have removed certain protections, including prohibitions to bottom trawling in Uyak Bay, that the State believes are important for conserving fishery resources and habitats.

The effect of recharting the 3-mile line on existing fishery management regimes raises a number of complex issues that we do not believe can be resolved before the seasonal fishery ends this year. Because of the uncertainty regarding the effect of the change, the need to take additional time to resolve these issues, and the potentially significant impacts on Alaska fishermen, NOAA intends to proceed for this fishing year by maintaining the status quo – that is, as though the change in the 3-mile line had no impact on the existing Federal fishery management plan and regulations and their geographic extent. We hope the State of Alaska would take a similar approach pending a resolution of the issue – that is, continuing to enforce the state fishery regulations in the area in question for this fishing year. We plan to move expeditiously to resolve the underlying issue.

I regret the confusion that the change in the charted 3-mile line has caused for the State and for affected fishermen. I assure you that we will proceed as expeditiously as possible to resolve the underlying questions, and that we will cooperate with the State, the North Pacific Council, and other agencies in considering, what if any, changes may be appropriate for long-term State and Federal management of the fishery.

Sincerely,



Eric C. Schwaab

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES



National Association of Charterboat Operators



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First vice-president

Tom Becker
Mississippi Charter Boat Captains
Second vice-president

Gary Krein
Charterboat Assoc. of Puget Sound
Secretary

Ron Maglio
Michigan City Charter Boat Assoc.
Treasurer

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Beach Haven Charter Fishing Association
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Captree Boatman Open & Charter Boats
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Coastal Bend Guides Association
Deep Creek Charterboat Association
Destin Charterboat Association
Eastern Lake Erie Charter Boat Assoc.
Florida Guides Association, Inc.
Genesee Charterboat Association, Inc.
Golden Gate Fishermen's Association
Greater Point Pleasant Charter Boat Assoc
Hawaii Fishing & Boating Association
Homer (AK) Charter Association
Indiana's North Coast Charter Association
Islamorada Charterboat Association
Kenosha (WI) Charter Boat Association
Maine Association of Charterboat Captains
Marathon Guides Association
Marco Island Charter Captains Assoc.
Maryland Charterboat Association
Michigan City Charter Boat Association
Mississippi Charterboat Captains Assoc.
Northeast Charterboat Captains Assoc.
Northern Neck Charter Captains
Panama City Boatmen Association
PA Lake Erie Charter Captains Association
Petersburg (AK) Charterboat Association
Port Aransas (TX) Boatmen, Inc.
Prince William Sound Charter Boat Assoc.
Seward Charterboat Association
Sitka (AK) Charter Boat Operators Assoc.
United Boatmen of New Jersey
Virginia Charter Boat Association
Waukegan Charter Boat Association

March 5, 2011

RECEIVED

MAR 11 2011

Eric Olson, Chairman
North Pacific Fisheries Management Council
605 W 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Dear Chairmah Olson,

NACO is a national non-profit organization that represents over 3,400 owner/operators across the United States. A significant number of our members are from the State of Alaska. We are the premier voice for charter boats across the U.S. and wish to comment on the definitions recently submitted by NMFS for charter vessel fishing trips, charter vessel angler, charter vessel guide and sport fishing guide services.

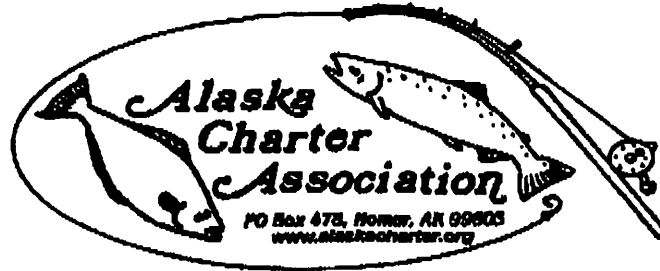
It has been brought to our attention that NMFS, without a request from the North Pacific Council, submitted these definitions. We would argue they were not properly analyzed and they are not consistent with existing State of Alaska or Federal Law. We are also not aware of any such definitions in any other NMFS region.

With the implementation of the Charter Halibut Limited Access Program (CHLAP), these definitions make sport fishing for halibut by licensed guides almost impossible. One of our Sponsoring Associations, (Alaska Charter Assn.) has provided a suggestion regarding this issue and we would urge you to consider this solution. They are requesting that you strike the definitions from 50 C.F.R. § 300.61. Additionally, they request enforcement of these definitions be stayed until the definitions can be stricken.

Best Regards,

Robert F. Zales, II PA

Robert F. Zales, II
President



"To Preserve and Protect the Rights and Resources of Alaska's Sport Fishermen"

March 4, 2011

Eric Olson, Chairman
North Pacific Fisheries Management Council
605 W 4th Avenue, Suite 306
Anchorage, AK 99501-2252

RECEIVED
MAR - 8 2011

Re: Charter Fishing Definitions

Dear Chairman Olson,

The Alaska Charter Association (ACA) is a statewide organization representing over 150 charter and associated businesses. Its mission is to preserve and protect the fishing rights and resources necessary for the Alaska charter fleet to best serve the recreational fishery.

The purpose of this letter is to comment on the definitions of charter vessel fishing trip, charter vessel angler, charter vessel guide and sport fishing guide services, included by NMFS in 50 C.F.R. § 300.61 when the final rule establishing a one fish bag limit for guided recreational anglers in Area 2C was published in May 2009.

NMFS' new definitions were not necessary, were not requested by the North Council, were not thoroughly analyzed, and are not consistent with existing State of Alaska or Federal Law. In addition, with the implementation of the Charter Halibut Limited Access Program (CHLAP), these definitions make sport fishing for halibut by licensed sport fishing guides almost impossible. The ACA provides a simple solution to this issue by asking the Council to move to strike these definitions from 50 C.F.R. § 300.61. Additionally ACA asks that enforcement of these definitions be stayed until the definitions can be stricken.

Included for the Council's reference are the definitions that NMFS added to 50 C.F.R. § 300.61, and effective on June 5, 2009¹:

Charter vessel fishing trip, for purposes of §§300.65(d), 300.66, and 300.67, means the time period between the first deployment of fishing gear into the water from a vessel after any charter vessel angler is onboard and the offloading of one or more charter vessel anglers or any halibut from that vessel.

¹ Federal Register / Vol. 74, No. 86 / Wednesday, May 6, 2009. <http://edocket.access.gpo.gov/2009/pdf/E9-10337.pdf>

Charter vessel angler, for purposes of §§300.65(d), 300.66, and 300.67, means a person, paying or non-paying, using the services of a charter vessel guide.

Charter vessel guide, for purposes of §§300.65(d), 300.66 and 300.67, means a person who holds an annual sport guide license issued by the Alaska Department of Fish and Game, or a person who provides sport fishing guide services.

Sport fishing guide services, for purposes of §§300.65(d) and 300.67, means assistance, for compensation, to a person who is sport fishing, to take or attempt to take fish by being onboard a vessel with such person during any part of a charter vessel fishing trip. Sport fishing guide services do not include services provided by a crew member.

It is important to note that while the definitions added by NMFS contain the words "*Charter vessel*", none of the new definitions are defined in terms of the definition of *Charter vessel* already present in 50 CFR 300.61:

Charter vessel means a vessel used for hire in sport fishing for halibut, but not including a vessel without a hired operator.

For instance, a *Charter vessel angler* is defined as a person using the services of a charter vessel guide, when logically it should be defined as an angler fishing from a *Charter vessel*. Similarly, the vessel referred to in the definition of *Charter vessel fishing trip* should be a *Charter vessel*.

The ACA also observes that the State of Alaska does not issue a *sport guide license* referenced in the definition of *Charter vessel guide*, but rather a *Sport Fishing Guide* or a *Sport Fishing Guide and Business* license. This distinction is important since the term *sport guide license* could also be inferred to include hunting guides.

Review of the North Council's June 2007 motion² and the supporting analysis³ finds no mention of changes to any charter related definitions. Review of the March 2009 EA/RIR/IRFA⁴ that accompanied the Final Rule also finds no mention of the definitions changes. Only in the proposed rule and Final Rule are the definitions changes mentioned. In the proposed rule, a single garbled paragraph concerning just one of the four definitions can be found in the discussion of prohibition of harvest by skipper or crew:

"The proposed regulation deviates from the Council(s) adopted motion language also in that the phrase (when clients are on board) is not used in the proposed regulation. Instead, the proposed regulation would limit the skipper and crew harvesting prohibition to a charter vessel fishing trip. A new definition is proposed in this action for (charter vessel fishing trip) which describes the period from the first deployment of fishing gear from a charter vessel until the offloading of any charter vessel angler or halibut. Also, an existing definition of (charter vessel) (at § 300.61) describes such a vessel as one (used

² http://www.fakr.noaa.gov/nofmc/current_issues/halibut_issues/Area2CGHL607motion.pdf

³ http://www.fakr.noaa.gov/nofmc/current_issues/halibut_issues/Area2CHalibut507.pdf

⁴ http://www.fakr.noaa.gov/analyses/halibut/area2c_charterhalibut_eairirfa0309.pdf

for hire in sport fishing for halibut, but not including a vessel without a hired operator. (Hence, the effect of the proposed regulation would be the same as that intended by the Council, which is to prohibit retention of halibut caught by the guide, skipper, and crew on a charter vessel, but not to impose this restriction when no clients or charter vessel anglers are onboard. A vessel without clients or paying anglers onboard is, by definition, not a charter vessel. Therefore, guides, skippers, and crew would not be prevented from sport fishing for halibut for themselves when they are not on a charter vessel fishing trip⁵.”

While this passage is difficult to understand, it is clear that when the proposed rule was published, NMFS did not intend to prevent guides, skippers and crew from sport fishing and retaining halibut when not on a charter vessel. Unfortunately, this is exactly what the definitions accomplished. With the new definitions, a halibut fishing trip of all non-paying anglers is now considered to be a halibut *Charter vessel fishing trip* if one of the anglers holds an ADF&G sport fishing guide license⁶. This has multiple implications:

1. Any halibut fishing trip taken by a State of Alaska licensed sport fishing guide, even a fresh water guide, is now considered a halibut charter vessel fishing trip. With the prohibition of capture and retention of halibut by skipper and crew⁷, a licensed sport fishing guide cannot catch halibut for personal use on any fishing trip, unless perhaps he/she takes the vessel out alone. The safety, financial, and practical reasons for not taking a large fishing vessel out to sea alone should be obvious.
2. With the implementation of the charter halibut limited access program, a licensed sport fishing guide must also have a CHP on board to take friends and family fishing on a not-for-hire trip.
3. With the implementation of these definitions, harvest once considered as non-guided would be included in the guided harvest and tallied against the guided allocation. Neither the GHL analysis or the CSP allocation analysis and the Council's subsequent CSP motion considered the addition of this previously non-charter harvest to their respective allocations.
4. Sport fishing guides are citizens just like the recreational anglers that we serve. We like to fish, and when not fishing for hire, we should be considered private anglers. Instead, a third class of recreational halibut angler, a class where halibut retention is never allowed, has been created, making enforcement even more difficult and confusing than it already is.

The State of Alaska has adopted the common sense definition of a charter trip as one where one or more anglers are paying for the service. In fact, ADF&G instructions in the 2011 Saltwater Charter Logbook specifically state:

“A trip that consists of no paying clients, that is all anglers are “comped” and the guide is

⁵ Federal Register / Vol. 73, No. 246 / Monday, December 22, 2008, p 78279

<http://edocket.access.gpo.gov/2008/pdf/E8-30376.pdf>, including typographical errors.

⁶ See <http://www.fakr.noaa.gov/sustainablefisheries/halibut/charter/faq.pdf>, question 33 on page 6.

⁷ This rule is currently in effect in area 2C by Federal regulation, but will be effect in 2C and 3A when the CSP is implemented.

NOT receiving any tips or other compensation, would NOT be considered a chartered trip and a logbook data sheet should not be completed and submitted to the Alaska Dept. of Fish and Game."⁸

The Magnuson-Stevens Fishery Conservation and Management Act at 16 U.S.C. § 1802 (3) defines charter fishing as follows:

The term "charter fishing" means fishing from a vessel carrying a passenger for hire (as defined in section 2101(21a) of title 46) who is engaged in recreational fishing.

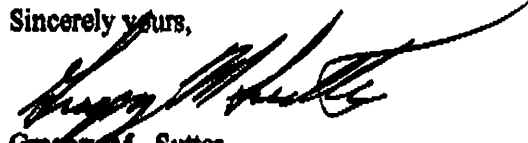
Clearly, the Magnuson Stevens Act, the State of Alaska and the new definitions in 50 C.F.R. § 300.61 are not in lockstep agreement with one another with regard to charter definitions. The solution to this issue is to strike the charter definitions recently added in 50 C.F.R. § 300.61 and rely on the definition of *Charter fishing* already in Magnuson Stevens at 16 U.S.C. § 1802 (3) and the definition of *Charter vessel* already present in 50 CFR 300.61. The prohibition on skipper and crew retention of halibut is easily reworded to disallow retention while on a *Charter vessel*. This solution solves the allocation implications, closely aligns State and Federal definitions of a charter trip, and importantly, allows licensed sport fishing guides, their friends and families the resource access rights they have always enjoyed and respected.

The ACA understands that NMFS intends to include a provision in the CSP that would exempt licensed guides who are fishing on a vessel with immediate family members from being considered a charter guide for that trip. This remedy is unacceptable, as it adds a third class of recreational angler to the mix by preventing a group of friends, one of whom happens to hold an ADF&G sport fishing guide license, from fishing together for halibut without a Charter Halibut Permit. This remedy also ignores crew and further complicates enforcement, while failing to account for the addition of harvest previously considered as non-charter to removals from the GHL or CSP allocation.

In summary, the Alaska Charter Association asks the Council to move to strike the new charter definitions as soon as possible. In the interim, we ask NMFS Alaska to stay enforcement of the new definitions.

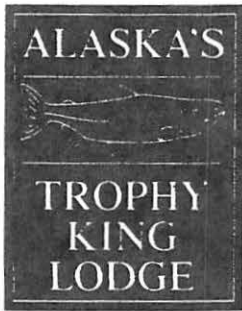
The ACA's membership, our supporters and I appreciate your careful consideration of this issue.

Sincerely yours,



Gregory M. Sutter
President

⁸ State of Alaska, Department of Fish and Game, Department of Sport Fish, 2011 Saltwater Charter Logbook and Vessel Registration, p iii.



A SPORTFISHING RESORT

RECEIVED
MAR 18 2011

March 15, 2011

Mr. Eric Olson, Chairman NPFMC
605 West 4th Avenue, Suite 306
Anchorage, AK 99501

Dear Mr. Olson:

NMFS Charter Fishing Definitions

Definitions of a "charter vessel fishing trip", "charter vessel angler", "charter vessel guide" and "sport fishing guide services", were included by the NMFS when the final rule establishing a one fish bag limit for guided recreational anglers in Area 2C was published in May 2009.

The new definitions are **not necessary, not requested by the Council, not thoroughly analyzed** and are **not consistent with existing State of Alaska or Federal Law**. With the implementation of the Halibut Limited Access Program, these definitions make halibut fishing by licensed sport fishing guides almost impossible.

A Solution: We request the Council to move to strike these definitions from 50 C.F.R. 300.61, and request that enforcement of these definitions be stayed until the definitions can be stricken.

Oversight in 50 C.F.R. 300

There is no provision in 50 C.F.R. 300 to do the following (In my opinion a critical oversight). Trophy King Lodge (TKL) was issued Permit No. 5420A on 1/27/2011 for 7 Anglers and Permit No. 5421A on 1/27/2011 for 5 Anglers (A total of 12 Anglers). Four is the most typical Anglers per boat in the TKL fishing operation. Therefore, TKL needs to relinquish the two Permits (A total of 12 Anglers) and in turn receive three Permits of four Anglers each (A total of 12 Anglers). There is no change in the number of Anglers or potential Halibut caught. Since TKL is the same business, there is no change in the number of operating businesses.

Under current provisions, TKL could sell the 7 Angler and 5 Angler Permits and buy three 4 Angler Permits. While allowed, the transactions would require escrows with up to 6 different parties, each escrow dependent on all closing at the same time. While I have closed a number of real estate escrows contingent upon various actions of parties, this arrangement will be difficult for people with no experience, spending time and legal fees with uncertain results. It will also be extremely time consuming for permitting agencies. Time is of the essence.

A Solution: We request the Council to move to allow such exchanges of Permits and Angler endorsements as described above (New Permits being labeled as "Interim") until such time as 50 C.F.R. 300 can be modified, and then Permits changed to "Transferable" or reverted back to the original two Permits.

Bruce H. Butterwick, General Manager and Owner

My name is Ronald W. Bennett. I am a resident of Kenai, Alaska. I am a retired Chief Warrant Officer from the United States Coast Guard (27 years 11 months). For my retirement 'job' I operate a tour boat out of Homer, Alaska on the waters of Kachemak Bay. I live here because I love the country and I love to fish.

I am writing in support of the Alaska Charter Operators request to strike out the new Halibut Charter definitions, and in the interim stay enforcement of them.

My interest in this is that in addition to operating a tour boat for Alaska Coastal Marine Services on a part time basis, I also typically run a few halibut charters for the same company. I am the 'fill-in' Captain for the company, and as such I ran less than 10 halibut charters last year.

I own my own 17 foot boat, with a 90 HP outboard. It is definitely NOT a charter vessel. I retired here because I love to fish. And of course we love to eat halibut. I have lived in Alaska for the past 15 years, and I have a number of friends, as well as my son and wife, who I take out halibut fishing a couple times a summer to catch their yearly supply of halibut. Definitely NOT charter trips.

If the new rules go into effect as they are written, I will either have to not sport fish for halibut, along with my friends and family, or give up my 10-12 halibut charter trips I make each year. Either way I am, according to a NMFS spokesperson I talked to in the Juneau office, a victim of the "unintended result" of the new rules.

Please do what you can to strike the new charter definitions. Thank You.

Ronald W. Bennett
304 Linwood Ln
Kenai, AK 99611
(907)252-5740
muttnpug@eci.net

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MAR 21 2011

Quartz Creek Lodge
David & Pam Pingree & Family
P.O. Box UGI
Kodiak, AK 99697-0140
Satellite Ph: 504-355-0773

March 15, 2011

RECEIVED
MAR 21 2011

Eric Olsen, Chairman
North Pacific Fisheries Management Council
605 W 4th Ave suite 306
Anchorage, AK 99501-2252

Dear Eric;

I am writing with regard to the NMFS Charter Vessel Fishing definitions. Having received my CHP and the current definitions, I am at a loss as to what it all really means. I see NMFS is also. The list of definitions are quite different from what was proposed to begin with and what already exists in the ADF&G, Magnuson-Stevens Act and Prior NMFS definitions.

Issue 1) CHP card holder can never sports fish for Halibut again, (except under Federal subsistence laws). If you are a Sports Fish Guide License holder, and you want to take out friends or family, you would need a CHP permit holder on board ...and neither you, nor the Sports Fish Guide License holder can fish. Every trip I ever do is a Charter Vessel trip. There is no provision for personal recreational fishing. See NMFS Charter Halibut Limited Access Program Pamphlet (NOAA) which was sent with our cards: FAQ #7 Every trip is a Charter trip!!! Family/friends, everyone ~ paying or not. So if every trip is a charter trip How, may I ask, can I ever go catch a Halibut with my kids or just me for fun.

Issue 2) Every trip is counted against area 3A GHL. Seeing every trip I do is a Charter trip and I have to record it, even in someone else's boat. My family's fall trip to "get our halibut for the winter" to put in our freezer is counted against the 3A charter GHL??? If I am invited to go out with a friend on his boat I am required to bring my log book and list this trip as a guided trip. (as I can't go on any trip with out counting it as a guided trip)

Then he can only catch 1 Halibut and I get to sit on my thumb for the day. And it is counted against 3A GHL.... Yet 2 guys can come up from down south rent a boat go out get 2 halibut each and it doesn't count on anything???? Yet if they go with me they get 1 each and it matters???? Go Figure????????????

Issue 3) If I go with my family fishing for our halibut, They can only catch 1 halibut each. Yes I am that CHP card holder again. Yet if they leave me on the beach they can get 2 each??? Seeing that 4 out of the 7 family members are ADF&G sports fishing guides ~ And they can't fish ~ Captain and Crew can't fish and they are all captains under the current definitions that leaves only 3 that can fish. And this is all counted against 3A GHL. So far I haven't made a dime and it cost the 3A charter fleet maybe a 1000# in friends and family trips. This can go on and on and I am sure by now we all have gotten the point. Some thing is broken and needs to be fixed.

Let's use the definitions as stated in ADF&G, Magnuson-Stevens Act 16 U.S.C. 1802(3), and the prior 50 CFR 300.61 as to what constitutes a charter trip.

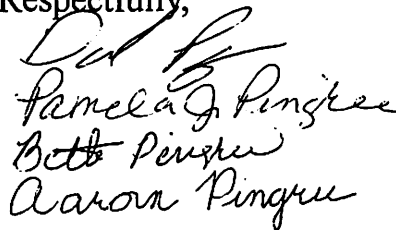

Remove the current definitions 50 CFR§ 300.61

Put a hold on enforcement until the definitions can be straightened out.

Reword current law to allow CHP card holder to be able to sports fish for Halibut when not in the act of running a charter trip.

Put in place a distinction between a Charter vessel trip and every time I leave the dock.

Respectfully,

David Pingree, Lodge Owner, CHP & Sport Fish Guide

Pam Pingree, Lodge Owner

Beth Pingree, Sport Fish Guide

Aaron Pingree, Sport Fish Guide

Amy Pingree, Sport Fish Guide

Levi Pingree

Faith Pingree



RECEIVED
MAR 22 2011

Eric Olson Chairman
North Pacific Fishery Management Council
605 West 4th Ave, Ste 306
Anchorage, AK 99501

Re: Charter Trip Definitions

Chairman Olson:

The Southeast Alaska Guides Organization represents charter and lodge businesses across Southeast Alaska. Our members are deeply concerned regarding definitions of what constitutes a charter that have cropped up as a result of the charter limited entry program.

According to the NMFS Small Entity Compliance Guide, any trip taken by a vessel with an ADF&G licensed guide onboard would be treated as a charter under the LEP, even if the vessel is not for hire. This means that the vessel must carry a valid charter halibut permit and that a licensed guide cannot accompany neighbors, friends, or family on a fishing trip without complying with charter regulations: a restriction of one halibut per day with a maximum size, no halibut retention for the guide, a requirement to fill out a logbook, and an obligation to retain carcasses for measuring. We assume fish harvested on these trips will also be counted as part of the charter harvest, inflating catch with respect to the GHL.

We believe these consequences go well beyond the intent of the limited entry program and turn licensed guides into second class citizens that can't enjoy the basic privilege of taking friends and family fishing under the same regulations enjoyed by all other citizens. We understand that charter definitions in the LEP may hope to target illicit charter activity, but they are far to blunt an instrument for the job as currently written.

We suggest that the NPFMC/NMFS definitions mirror that of the State of Alaska:

"The definition of 'sport fishing guide services' includes accompanying or physically directing the sport fisherman in sport fishing activities during any part of a sport fishing trip. If an individual provides any direction to the clients on where to fish or what to use and provides detailed instructions that would improve the client's success, *for compensation*, that individual would be considered a guide." The key phrase here is "for compensation".

We encourage NPFMC and NMFS to make whatever changes are necessary to existing regulation definitions to allow all private fishing parties, whether or not those parties include an ADFG licensed guide, to fish under the same rules. *This includes any necessary re-write of GHL amendment language that would have the same effect of classifying all trips as charters if a guide is onboard.*

Respectfully,

Forrest Braden
Interim Executive Director, SEAGO
director@seagoalaska.org

**Preliminary Analysis of AFA Vessel Replacement & Removal Provisions in
the Coast Guard Authorization Act of 2010**

(Pub. L. 111-281, Title VI, Sec. 602)

Prepared by: NMFS Alaska Region Staff in consultation with NOAA GCAK

INTRODUCTION

On October 15, 2010, the President signed into law the Coast Guard Authorization Act of 2010, Pub. L. 111-281 (“The Act”). Section 602 of the Act addresses the replacement and removal of vessels eligible to participate in the Bering Sea pollock fishery under the American Fisheries Act (“AFA”).¹ The Act enables AFA vessels to be replaced for reasons other than total or constructive loss, eliminates the size and horsepower limitations that had applied to rebuilt AFA vessels or vessels that replace AFA vessels, and imposes various limitations on the use in other fisheries of such replacement vessels and the AFA vessels that have been replaced. The Act also enables a vessel owner to remove a vessel from an inshore cooperative and assign the vessel’s directed pollock fishing allowance (the basis for determining cooperative quota) to other vessels in the cooperative.

This paper discusses several provisions of the Act and identifies aspects of removal and replacement of AFA vessels under the Act that may necessitate agency rulemaking or that the Council and agency may wish to implement through rulemaking. The paper also provides general guidance regarding the types of vessel replacement or removal transactions that would be least likely to be affected by any subsequently issued regulations.

There are four provisions of the Act that may call for NMFS to engage in rulemaking. Involvement of the North Pacific Fishery Management Council (“Council”) in the rulemaking process may be appropriate under some, but not all, of these provisions.

One provision states that the owner of an AFA vessel may rebuild or replace that vessel “in order to improve vessel safety and operational efficiencies . . .” Amended AFA section 208(g)(1)(A). Such replacements may occur without limitations on the length, tonnage or horsepower of the replacement vessel. *Id.* This provision supplants previous replacement vessel provisions (former AFA section 208(g)) and eviscerates existing implementing regulations, which allowed for vessel replacement only in the event of actual total loss or constructive total loss of a vessel and imposed length, tonnage and horsepower limits on replacement vessels. *See* 50 C.F.R. § 679.4(l)(7); former AFA section 208(g). This provision creates an exception to several existing regulatory provisions by specifying that such replacement or rebuilding may occur “[n]otwithstanding any limitation to the contrary on replacing, rebuilding or lengthening vessels or transferring permits or licenses to a replacement vessel contained in sections 679.2 and 679.4 of title 50, Code of Federal Regulations” as of October 15, 2010. *Id.* The quoted language establishes an exception to existing regulations that otherwise prohibit the use of a groundfish license

¹ The full text of section 602 of the Act is appended to this paper.

limitation permit by a vessel that exceeds the the maximum length overall specified on the permit. *See* 50 C.F.R. §§ 679.4(k)(1)(i), (k)(3)(i), (k)(7)(ix). That is, the Act would allow a replacement vessel of any length to utilize a groundfish license limitation permit to fish for Bering Sea pollock under the AFA even if the vessel's length exceeds the MLOA specified on the license. **To avoid confusion, the existing AFA regulations should be modified to reflect the expanded bases on which an owner may replace or rebuild an AFA vessel. Similarly, existing regulations addressing LLPs should be modified to reflect the exceptions that have been created by the statute.**

Another provision expressly directs the Secretary to act to “prohibit from participation in the groundfish fisheries of the Gulf of Alaska any vessel that exceeds the maximum length overall specified on the license that authorizes fishing for groundfish pursuant to the license limitation program,” as that program was in effect on October 15, 2010. Amended AFA section 208(g)(6). This mandate could be implemented through rulemaking. Rulemaking to implement this mandate could be initiated by the agency or by the Council, which is authorized to recommend “size limits and measures to control fishing capacity, in accordance with the [MSA] as it considers necessary to ensure that [AFA vessel replacement provisions do] not diminish the effectiveness of the [Groundfish FMPs].” Amended AFA section 208(g)(2).

A third provision prohibits a vessel that replaces an AFA catcher vessel from “harvesting fish” in any federal fishery outside of the North Pacific, managed by any other Regional Fishery Management Council, except for the Pacific whiting fishery. Amended AFA section 208(g)(4). NMFS could implement this prohibition through rulemaking. Because this prohibition relates to harvesting fish in fisheries under the authority of other Regional Fishery Management Councils, the North Pacific Council should have a limited role, if any, in the development of a rulemaking to implement this prohibition.

Finally, another provision enables owners of catcher vessels that participate in inshore cooperatives to remove a vessel from the Bering Sea pollock fishery and assign its directed pollock fishing allowance to one or more vessels in its cooperative. **The Act gives rise to a number of issues regarding the interplay between the replacement of a vessel and the removal of a vessel, as well as the application of sideboards and sideboard exemptions when a vessel is removed or replaced.**

SUMMARY GUIDANCE

What can vessel owners do without waiting for implementing regulations?

- 1) Replace or permanently remove a vessel that has no unique sideboard characteristics (or has unique sideboard characteristics that the vessel owner is willing to lose as a result of the removal) and permanently assign its directed pollock fishing allowance to one or more vessels in the cooperative. However, the vessel owner should be aware that NMFS has not set forth what will happen to the directed pollock fishing allowance in the event that a receiving vessel does not remain in the cooperative for at least one year.
- 2) Replace a vessel with another vessel that is not currently an AFA-eligible vessel and does not exceed the MLOA on its groundfish LLP license (or with a larger vessel that the owner does not intend to use to fish for groundfish in the Gulf of Alaska).

What potential issues may result in a vessel owner's preferring to await the regulatory process?

- Removal or replacement of a vessel with AFA sideboard exemptions which the owner wishes to preserve;
- Replacement of a vessel that exceeds the MLOA specified on a groundfish LLP license currently assigned to the vessel if the owner wishes to continue to use the vessel in the Gulf of Alaska;
- Replacement of an AFA catcher/processor with a catcher/processor that is currently eligible for, and wishes to remain eligible for, the Amendment 80 sector in the Bering Sea; and
- Removal of a catcher vessel and assignment of its directed pollock fishery allowance to other vessels if the owner wishes to do something other than permanently assign the directed pollock fishery allowance to other vessels that currently belong to the cooperative.