

Status of FMP Amendments
February 6, 2007

FMP Amendment Status: <u>Actions Since December 2006 Council Meeting</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 Published in Federal Register
Amendment 25 (KTC) - North catcher processor owner quota share	MSA Re-auth. Act Jan. 2007	<u>NOA – 1/22/07</u>	<u>NOA – January 29, 2007</u>	<u>February 5, 2007</u> <u>72 FR 5255</u>		
Amendments 62/62: Single Geographic Location and AFA housekeeping	Oct 2002	PR: 10/15/04				
Amendment 67 (GOA) – IFQ omnibus IV <u>Approved: January 3, 2007</u>	December 2004	PR: 2/21/06	PR: September 25, 2006	October 3, 2006 71 FR 58372 <u>Comment period ended December 4, 2006</u>	November 1, 2006 71 FR 64218 <u>Comment period ended December 18, 2006</u>	
Amendment 68 (GOA) – Rockfish Demonstration Project Approved: August 10, 2006	June 2005	PR: 3/7/06 FR: 9/21/06	PR: May 8, 2006 FR: October 16, 2006	May 15, 2006 71 FR 27984 <u>Comment period ended July 14, 2006</u>	June 7, 2006 71 FR 33040 <u>Comment period ended July 24, 2006</u>	November 20, 2006 71 FR 67210 <u>Effective December 20, 2006</u>
Amendment 72 (GOA): Remove flatfish IR/IU provisions	April 2003					
Amendment 79 (BSAI): Groundfish Retention Standard <u>Approved: August 31, 2005</u> In litigation	June 2003	PR: 3/30/05 FR: 11/18/05	PR: May 26, 2005 FR: February 7, 2006	June 2, 2005 70 FR 32287 <u>Comment period ended August 1, 2005</u>	June 16, 2005 70 FR 35054 <u>Comment period ended August 1, 2005</u>	April 7, 2006 71 FR 17362 Effective January 20, 2008
Amendment 80 (BSAI) – IR/IU and fishing cooperative	June 2006					
Amendment 84 (BSAI) – Salmon Bycatch ICA	October 2005	PR: 2/1/06				
Amendment 85 (BSAI) – Pacific cod allocations <u>Secretarial Decision Date: March 7, 2007</u>	April 2006	PR: 9/21/06	PR: November 29, 2006 <u>PR: January 22, 2007</u>	<u>December 7, 2006</u> <u>71 FR 70943</u> <u>Comment period ends February 5, 2007</u>		

Status of FMP Amendments
January 31, 2007

FMP Amendment Status: <u>Actions Since December 2006 Council Meeting</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 Published in Federal Register
Amendments 87 (BSAI) 22 (KTC) – CDQ Community Eligibility	April 2006					

Status of Regulatory Amendments
February 6, 2007

Regulatory Amendment Status: <u>Actions Since December 2006 Council Meeting</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 Regulations					
2007 & 2008 BSAI groundfish harvest specifications	NMFS	PR: October 10, 2006 FR: December 21, 2006	PR: November 28, 2006	12/15/06 71 FR 75460 <u>Comment period ended January 16, 2007</u>	
2007 & 2008 GOA groundfish harvest specifications	NMFS	PR: October, 10, 2006 FR: January 4, 2007	PR: November 27, 2006	12/15/06 71 FR 75437 <u>Comment period ended January 16, 2007</u>	
CDQ Cost Recovery Program	NMFS	On hold pending review of consistency with CG Act			
CDQ transfers 2007 (Reserve transfer rev)	MSA Re-authorization Act January 2007				

Status of Regulatory Amendments
February 6, 2007

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Groundfish Regulations					
CDQ regulation of harvest					
EFH State waters correction	NMFS				
Interagency Electronic Reporting System	NMFS	PR: December 27, 2006			
Observer Program sunset date removal	June 2006	PR: July 14, 2006			
Observer Communications Systems revision	NMFS	PR: January 24, 2007			
Rockfish correction	NMFS	FR: December 13, 2006	FR: January 26, 2007		
Seabird avoidance	February 2007?				

Status of Regulatory Amendments
February 6, 2007

Regulatory Amendment Status: <u>Actions Since December 2006 Council Meeting</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					
Halibut/Sablefish IFQ – Allow processing of non-IFQ species on a vessel with B, C, or D shares onboard	June 2006				
Allow use of pot longline gear in BS in June for IFQ/CDQ sablefish; allow temp transfer of IFQs held by mobilized militia; and withdraw inactive QS	June 2006				
Subsistence Halibut III	December 2004				
Other Actions					
Experimental Fishing Permit application from the Aleut Enterprise Corporation				November 17, 2006 71 FR 66915	
Experimental Fishing Permit application from the AFA Catcher Vessel Intercooperative and the Pollock Conservation Cooperative				November 20, 2006 71 FR 67103	

February 1, 2007

North Region (St. George Island) Snow Crab Update – Crab Rationalization Program (Program)

Unavoidable Circumstance Exemption Request: RAM received requests from two holders of Bering Sea snow crab (BSS) Processor Quota (PQS and IPQ), to use the "unavoidable circumstance" exemption to geographic restrictions on use of IPQ that apply during the first two Program years (the "cooling-off" provision). Under regulations at 50 CFR §680.42(b), approximately 2.5 million pounds of IPQ must be landed at St. George, Pribilof Islands. If approved, under the exemption, the IPQ must be used in the North Region and could be used at St. Paul Island, as requested.

The BSS season is open until May 15, 2007, in the Eastern area and May 31, 2007, in the Western area. This crab fishing year, the amount of BSS IPQ that must be used in St. George represents approximately 20 % of all North Region BSS IPQ, and 10 % of all BSS IPQ available for use in either region, as follows:

	Total Pounds of North Region BSS IPQ with Cooling-off Boundary of St. George	Pounds of all North Region BSS IPQ with Cooling-off Boundaries	Pounds of all North Region BSS IPQ	Pounds of all BSS IPQ (any region)
IPQ Pounds	2,522,741	12,008,848	12,269,597	26,116,840
Percentage: Pounds of IPQ with St George Cooling-off as a % of Column Amounts	100 %	21 %	20 %	10 %

Effect of using the IPQ in St. Paul. Use of the IPQ outside of St. George could affect the "Right of First Refusal" (ROFR) community protection measure. Under the ROFR provisions, ROFR on the PQS and IPQ lapses if a company uses its IPQ outside of the community of origin for three consecutive years. After the current (second) Program year when the "cooling-off" restrictions cease to apply, these IPQ holders need not seek permission from NOAA to use their IPQ elsewhere within the North Region. If these IPQ holders use their own IPQ outside of St. George without conducting transfers to do so, the ROFR provisions also do not apply. In that case, the IPQ holders also would not require permission from APICDA (the CDQ group representing the community of St. George for purposes of ROFR), to use their IPQ elsewhere within the North Region.

Rockfish Pilot Program Implementation Update

Program implementation is on schedule for 2007 fisheries.

In early December, 2006, RAM sent application materials to all eligible rockfish harvesters and processors identified in the Official Record. Additionally, RAM mailed application materials to all persons holding an LLP groundfish license endorsed for trawl gear and having a Central Gulf of Alaska groundfish area endorsement but not at that time meeting the landings eligibility criterion. The deadline for applying to participate in the Rockfish Pilot Program as an eligible rockfish harvester or processor was January 2, 2007, and all persons believed eligible applied by that time. RAM reviewed applications for eligible rockfish harvesters and processors; and provided each applicant 30 days in which challenge the Official Record.

RAM currently is preparing to give notice to vessel owners and LLP license holders affected by the Program's sideboard restrictions in non-rockfish fisheries.

Annual applications to elect to participate in the Limited Entry or Opt-Out fisheries or to form a cooperative are due March 1, 2007. Persons wishing to participate in the Entry Level Rockfish Fishery also must apply by March 1, 2007.

Amendment 80 Program Implementation Update.

The Amendment 80 Program (Program) is on schedule for implementation in 2008. The timeline for Program implementation is shown in Figure 1.

The proposed rule is in the initial stages of regional review. Draft regulatory text has been reviewed by Council staff and additional review opportunities will be provided in mid-February. The draft EA/RIR/IRFA prepared for this action is being reviewed and revised by Council and NMFS staff. Draft FMP text will be provided to Council staff for review in mid-February.

The proposed rule will include required provisions from the recent amendment to the Magnuson-Stevens Act (Public Law 109-479), specifically provisions directly affecting the allocation of TAC (e.g., revisions to CDQ Program allocations). NMFS staff and industry conducted an initial review of catch data that would be used to allocate quota share (QS). NMFS and industry figures are in close agreement in most cases.

Challenges to meeting the 2008 implementation schedule include delays which could be caused by additional time needed to: (1) complete the NMFS rule making process; (2) incorporate necessary changes to the Program from the recent Magnuson-Stevens Act amendments; (3) modify the Program should Pacific cod sector allocations proposed under Amendment 85 be disapproved by the Secretary of Commerce; (4) review and respond to public comments on the proposed rule; and (5) review and process applications for QS, cooperatives, or limited access fishery participation.

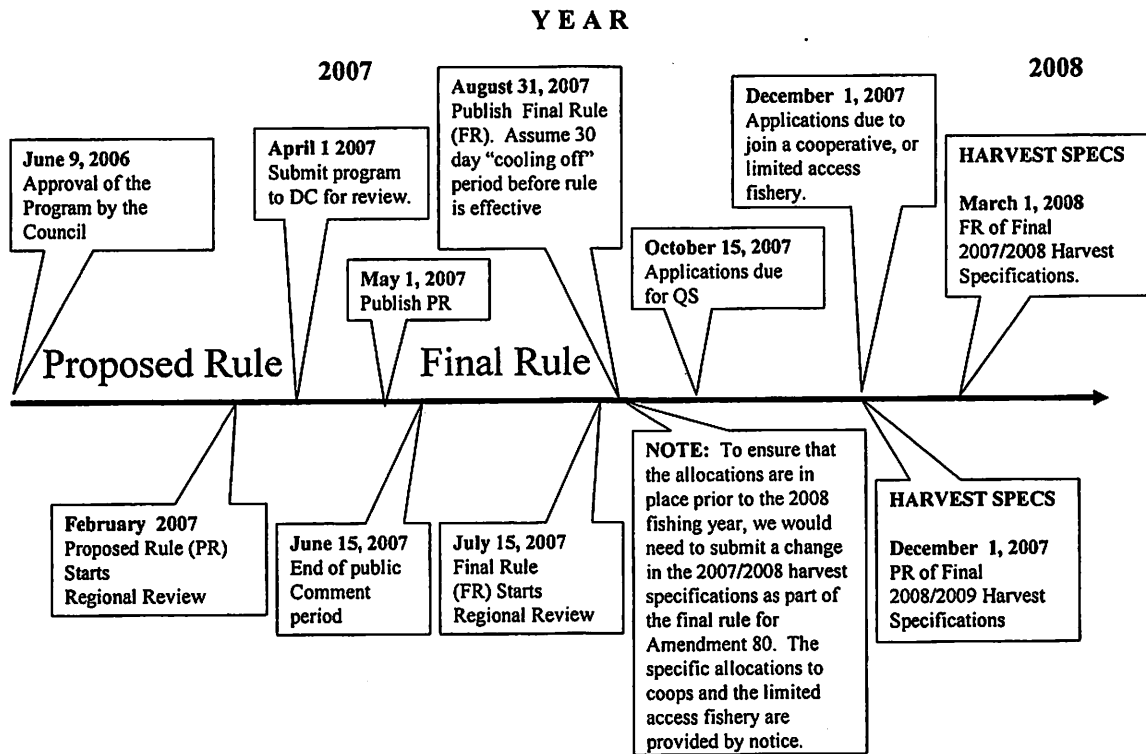


Figure 1: Timeline for Amendment 80 Implementation

B-2

National Marine Fisheries Service
Alaska Region, Inseason Management Highlights

February 1, 2007

Bering Sea and Aleutian Islands

Bering Sea Pollock

For 2007, the Chinook Salmon Savings Area (CSSA) limit is 29,000 salmon. The 2007 chinook salmon catch of 15,651 salmon through January 27 is tracking higher than in 2006 with 8,437 salmon taken through January 28. NMFS projects the CSSA will close during the week ending February 10. During the 2006 A season 57,144 non-CDQ and 1,580 CDQ chinook salmon were taken. The CSSA closed for non CDQ February 15, 2006.

Catcher/processors

As in 2006, 16 catcher/processors (c/ps) are targeting Pollock. In 2007, for the first full week they caught 37,774 mt compared to 38,701 mt the first week of 2006. The 2006 average for the A season was 3,681 mt/day.

Inshore processors

Currently, 52 catcher vessels are targeting pollock (48 for same time period in 2006). In 2006 a total of 73 catcher vessels participated in the A season. In 2007, for the first full week they caught 27,856 mt compared to 33,376 the first week of 2006. The 2006 average for the A season was 4,330 mt/day.

Motherships

All three motherships are currently active. In 2007, for the first full week they caught 8,251 mt compared to 9,281 mt the first week of 2006. The 2006 average for the A season was 1,500 mt/day.

Flatfish

Currently in 2007 15 c/ps are primarily targeting rock sole (10 in 2006). The catch through January 27, 2007, is 4,793 mt which compares to 1,498 mt through January 28, 2006. In 2006, the first seasonal trawl rock sole fishery opened January 20 and closed February 21 due to halibut mortality. As in 2006, the 2007 red king crab zone 1 limit for all targets is 197,000 crab. The rock sole/other flatfish/flathead sole target has a limit of 121,413 crab. Zone 1 remained open for the rock sole/other flatfish/flathead sole category in 2006. The red king crab savings subarea (RKCSS) limit is 42,495 crab. As of January 27, about 26,000 red king crab have been taken inside the RKCSS. In 2006, the RKCSS closed April 5 to non-pelagic trawl gear.

Atka mackerel

Four c/ps registered for the 2007 A season harvest limitation area (HLA) fisheries in 543 and 542 (6 in 2006). NMFS closed the area 541/Bering Sea subarea fishery February 3, 2007. The HLA fisheries started February 5. The last HLA fishery closes March 7. In the 2006 A season, 86% of the 542 HLA and 1% of the 543 were taken in the HLAs. In 2006, the entire area for 542 closed February 18 and for 543 April 15.

Pacific cod

The hook-and-line, pot and jig fisheries started January 1. Trawl fisheries began January 20.

Hook-and-line C/Ps

In 2007, 36 hook-and-line c/ps have checked into the Pacific cod fishery (38 in 2006). Catch for 2007 is 22,927 mt through January 27. In 2006, the catch was 24,524 mt through January 28 and the A season closed February 18. The 2007 A season TAC under the final specifications is 38,419 mt. At the current catch rates, the A season is expected to close the around February 14.

Pot

The 2007 fishery for pot catcher vessels closed January 26 with 49 vessels taking about 7,933 mt. In 2006, the fishery closed February 3 with 38 vessels taking about 9,798 mt. Pot catcher vessels less than 60 ft LOA may continue to fish under the less than 60 ft LOA pot and hook-and-line allocation.

In 2007, 3 pot c/ps have checked into the Pacific cod fishery (2 in 2006). Catch for 2007 is 596 mt through January 27. In 2006, effort started during the week ending February 18 and the A season closed April 8. The 2006 A season TAC under the final specifications is 1,586 mt. At the current catch rates, the A season is expected to close the end of February.

Trawl

Seventeen trawl catcher vessels delivering shore side are targeting Pacific cod (24 in 2006). The total Pacific cod catch through January 27 is 1,784 mt (including pelagic gear and mothership effort). In 2006, the catch was 4,167 mt through January 28 and the A season closed March 8.

Six trawl c/ps are targeting Pacific cod (15 in 2006). The total Pacific cod catch through January 27 is 1,114 mt (including pelagic gear). In 2006, the catch was 2,890 mt through January 28 and the A season closed March 12.

Gulf of Alaska

Western GOA Pacific cod

The inshore Pacific cod fishery in the Western GOA has taken about 1,058 mt through January 27. The 2007 A season TAC for the inshore component is 10,876 mt under the final specifications. NMFS set an incidental catch allowance (ICA) of 100 mt to support other anticipated groundfish fisheries and the remaining 10,776 mt as a directed fishing allowance (DFA). Pot gear has taken 95% and trawl gear 5%. For the entire 2006 A season pot gear took 45%, trawl gear 46%, and hook-and-line gear 9%. In 2006, the A season fishery for inshore Pacific cod closed March 2, taking about 12,200 mt.

No effort has shown up for the offshore fishery.

Central GOA Pacific cod

As of January 27, inshore deliveries total 4,700 mt. The 2007 A season TAC under the final specifications for the inshore component is 15,339 mt, with an ICA of 2,000 mt and a DFA of 13,339 mt. Pot gear has taken 46%, hook-and-line gear 37% and trawl gear 17%. For the entire 2006 A season, pot gear took 44%, trawl gear 25%, jig gear 1%, and hook-and-line gear 30%. In

2006, the A season fishery for inshore Pacific cod closed February 28, taking about 14,640 mt. No effort has shown up for the offshore component.

Pollock

The pollock fisheries in areas 610, 620, and 630 opened January 20. The fishery in 610 closed after two days taking about 28% of the final A season TAC of 4,511 mt. NMFS will reopen the fishery when the weather improves. The fishery in 630 closed after two days taking about 3% of the final A season TAC of 3,320 mt. The fishery reopened February 6 for 48 hours. The last couple of years fishing in area 620 has not accelerated until late February or early March. In 2006, area 620 closed March 21.

Bering Sea Aleutian Islands Catch Report
(excludes CDQ except as noted)
Through: 27-JAN-07

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	9	750	741	1%	6
	Pacific Ocean Perch	8	2,516	2,508	0%	7
	Sablefish (Hook-and-Line and Pot)	33	0	-33	0%	22
	Sablefish (Trawl)	16	1,148	1,132	1%	15
	Greenland Turbot	2	1,543	1,541	0%	0
X	Pollock, AFA Inshore	33,700	652,388	618,688	5%	27,856
X	Pollock, AFA Catcher Processor	40,832	521,910	481,078	8%	37,774
X	Pollock, AFA Mothership	13,261	130,478	117,217	10%	8,251
	Pollock, Incidental Catch, non-Bogoslof (includes CDQ)	2,453	45,225	42,772	5%	1,506
	Pollock, Incidental Catch, Bogoslof (includes CDQ)	0	10	10	0%	0

Aleutian Islands

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Other Rockfish	25	502	477	5%	20
	Pacific Ocean Perch, Eastern	130	3,012	2,882	4%	11
	Pacific Ocean Perch, Central	0	2,971	2,971	0%	0
	Pacific Ocean Perch, Western	0	4,969	4,969	0%	0
X	Atka Mackerel, Eastern (Other Gear)	5,267	6,868	1,601	77%	4,393
	Atka Mackerel, Eastern (Jig)	0	69	69	0%	0
X	Atka Mackerel, Central	0	27,380	27,380	0%	0
X	Atka Mackerel, Western	0	8,880	8,880	0%	0
	Sablefish (Hook-and-Line and Pot)	0	0	0	0%	0
	Sablefish (Trawl)	0	582	582	0%	0
	Greenland Turbot	0	693	693	0%	0
X	Pollock	154	15,300	15,146	1%	154
X	Pollock, Incidental Catch (includes CDQ)	35	1,800	1,765	2%	35

Note: All weights are in metric tons.

Bering Sea Aleutian Islands Catch Report
(excludes CDQ except as noted)
Through: 27-JAN-07

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	124	12,750	12,626	1%	115
	Arrowtooth Flounder	679	15,300	14,621	4%	548
	Flathead Sole	616	18,700	18,084	3%	474
	Northern Rockfish	75	4,625	4,550	2%	54
	Other Flatfish	314	4,250	3,936	7%	275
	Other Species	3,378	22,950	19,572	15%	1,257
X	Pacific Cod, Catcher Processor (Trawl)	1,114	31,206	30,092	4%	1,036
X	Pacific Cod, Catcher Vessel (Trawl)	1,784	31,206	29,422	6%	1,274
X	Pacific Cod, Catcher Processor (Hook-and-Line)	22,908	53,780	30,872	43%	5,029
X	Pacific Cod, Catcher Vessel (Hook-and-Line)	90	202	112	44%	22
X	Pacific Cod, Catcher Processor (Pot)	597	2,218	1,621	27%	170
X	Pacific Cod, Catcher Vessel (Pot)	7,820	10,084	2,264	78%	1,189
X	Pacific Cod (Jig)	0	2,656	2,656	0%	0
	Pacific Cod (Hook-and-Line and Pot < 60 ft)	113	941	828	12%	87
	Pacific Cod, Incidental Catch (Hook-and-Line and Pot)	18	500	482	4%	18
	Rock Sole	4,793	37,400	32,607	13%	4,671
	Rougheye Rockfish	0	207	207	0%	0
	Shortraker Rockfish	0	537	537	0%	0
	Squid (includes CDQ)	0	1,084	1,084	0%	0
	Yellowfin Sole	305	91,495	91,190	0%	211
Total:		140,651	1,771,085	1,630,434	8%	96,583

**Bering Sea Aleutian Islands Prohibited Species Report
(excludes CDQ fisheries except as noted)**

Through: 27-JAN-07

**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
	BS Pollock (Pelagic)	Count	17,750	26,825	9,075	66%	15,645
	AI Pollock (Pelagic)	Count	6	647	641	1%	6
Total:			17,756	27,472	9,716	65%	15,651

Halibut Mortality

Non-Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
X	Pacific Cod (Hook-and-Line)	MT	105	775	670	14%	20
	Non-Pacific Cod (Hook-and-Line)	MT	0	58	58	0%	0
Total:			105	833	728	13%	20

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Pacific Cod	MT	109	1,434	1,325	8%	77
	Rockfish	MT	0	69	69	0%	0
X	Rock Sole, Flathead Sole, Other Flatfish (Trawl)	MT	145	779	634	19%	129
	Pollock, Atka Mackerel, Other Species	MT	98	232	134	42%	92
X	Yellowfin Sole (Trawl)	MT	0	886	886	0%	0
	Turbot/Sablefish/Arrowtooth Flounder	MT	0	0	0	0%	0
Total:			353	3,400	3,047	10%	298

Herring (includes CDQ fisheries)

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Pacific Cod	MT	0	27	27	0%	0
	Rockfish	MT	0	10	10	0%	0
	Rock Sole, Flathead Sole, Other Flatfish	MT	0	27	27	0%	0
	Pollock, Atka Mackerel, Other Species	MT	0	192	192	0%	0
	Pollock Pelagic	MT	1	1,350	1,349	0%	1
	Yellowfin Sole	MT	0	152	152	0%	0
	Greenland Turbot, Arrowtooth, Sablefish	MT	0	12	12	0%	0
Total:			2	1,770	1,768	0%	1

**Bering Sea Aleutian Islands Prohibited Species Report
(excludes CDQ fisheries except as noted)**

Through: 27-JAN-07

**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
	Pacific Cod	Count	0	184,402	184,402	0%	0
	Rockfish	Count	0	62,356	62,356	0%	0
	Rock Sole, Flathead Sole, Other Flatfish	Count	0	810,091	810,091	0%	0
	Pollock, Atka Mackerel, Other Species	Count	0	106,591	106,591	0%	0
	Yellowfin Sole	Count	0	4,103,752	4,103,752	0%	0
	Greenland Turbot, Arrowtooth, Sablefish	Count	0	62,356	62,356	0%	0
Total:			0	5,329,548	5,329,548	0%	0

Bairdi Crab, Zone 1

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Pacific Cod	Count	1,716	183,112	181,396	1%	997
	Rock Sole, Flathead Sole, Other Flatfish	Count	19,140	365,320	346,180	5%	18,593
	Pollock, Atka Mackerel, Other Species	Count	96	17,224	17,128	1%	94
	Yellowfin Sole	Count	0	340,844	340,844	0%	0
Total:			20,953	906,500	885,547	2%	19,684

Bairdi Crab, Zone 2

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Pacific Cod	Count	3,576	324,176	320,600	1%	2,533
	Rockfish	Count	0	10,988	10,988	0%	0
	Rock Sole, Flathead Sole, Other Flatfish	Count	0	596,154	596,154	0%	0
	Pollock, Atka Mackerel, Other Species	Count	113	27,473	27,360	0%	110
	Yellowfin Sole	Count	0	1,788,459	1,788,459	0%	0
Total:			3,689	2,747,250	2,743,561	0%	2,643

**Bering Sea Aleutian Islands Prohibited Species Report
(excludes CDQ fisheries except as noted)**

Through: 27-JAN-07

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



Red King Crab, Zone 1

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Pacific Cod	Count	705	26,563	25,858	3%	34
	Rock Sole, Flathead Sole, Other Flatfish	Count	37,290	121,413	84,123	31%	36,388
	Pollock, Atka Mackerel, Other Species	Count	0	406	406	0%	0
	Yellowfin Sole	Count	0	33,843	33,843	0%	0
Total:			37,995	182,225	144,230	21%	36,422

Gulf of Alaska Catch Report

Through: 27-JAN-07

**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	1,248	23,022	21,774	5%	311
X	Pollock, 620 Chirikof	47	20,983	20,936	0%	44
X	Pollock, 630 Kodiak	115	14,687	14,572	1%	77

Western Gulf

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Arrowtooth Flounder	29	8,000	7,971	0%	11
	Deep Water Flatfish	0	421	421	0%	0
	Shallow Water Flatfish	0	4,500	4,500	0%	0
	Flathead Sole	16	2,000	1,984	1%	5
	Rex Sole	0	1,096	1,096	0%	0
	Pacific Ocean Perch	0	4,290	4,290	0%	0
	Rougeye Rockfish	0	133	133	0%	0
	Shortraker Rockfish	0	153	153	0%	0
	Thornyhead Rockfish	0	513	513	0%	0
	Pelagic Shelf Rockfish	0	1,463	1,463	0%	0
	Northern Rockfish	0	1,483	1,483	0%	0
	Other Rockfish	0	577	577	0%	0
X	Pacific Cod, Inshore	1,058	13,022	11,964	8%	279
X	Pacific Cod, Offshore	0	1,447	1,447	0%	0
	Sablefish (Hook-and-Line)	0	0	0	0%	0
	Sablefish (Trawl)	0	472	472	0%	0
	Big Skate	0	695	695	0%	0
	Longnose Skate	0	65	65	0%	0

Gulf of Alaska Catch Report

Through: 27-JAN-07

**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	345	25,000	24,655	1%	344
	Deep Water Flatfish	2	4,145	4,143	0%	2
	Shallow Water Flatfish	155	13,000	12,845	1%	155
	Flathead Sole	66	5,000	4,934	1%	66
	Rex Sole	28	5,207	5,179	1%	28
	Pacific Ocean Perch	0	7,660	7,660	0%	0
	Rougheye Rockfish	0	596	596	0%	0
	Shortraker Rockfish	0	353	353	0%	0
	Pelagic Shelf Rockfish	3	3,318	3,315	0%	2
	Northern Rockfish	5	3,608	3,603	0%	4
	Thornyhead Rockfish	0	989	989	0%	0
	Other Rockfish	0	386	386	0%	0
X	Pacific Cod, Inshore	4,699	18,365	13,666	26%	1,581
X	Pacific Cod, Offshore	0	2,040	2,040	0%	0
	Sablefish (Hook-and-Line)	0	0	0	0%	0
	Sablefish (Trawl)	0	1,126	1,126	0%	0
	Big Skate	73	2,250	2,177	3%	47
	Longnose Skate	29	1,969	1,940	1%	16

Eastern Gulf

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Rougheye Rockfish	0	235	235	0%	0
	Shortraker Rockfish	0	337	337	0%	0
	Thornyhead Rockfish	0	707	707	0%	0
	Pacific Cod, Inshore	0	2,404	2,404	0%	0
	Pacific Cod, Offshore	0	267	267	0%	0
	Big Skate	0	599	599	0%	0
	Longnose Skate	0	861	861	0%	0

Gulf of Alaska Catch Report

Through: 27-JAN-07

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	0	2,500	2,500	0%	0
	Deep Water Flatfish	0	2,665	2,665	0%	0
	Shallow Water Flatfish	0	628	628	0%	0
	Flathead Sole	0	2,096	2,096	0%	0
	Rex Sole	0	992	992	0%	0
	Pacific Ocean Perch	0	1,137	1,137	0%	0
	Pelagic Shelf Rockfish	0	306	306	0%	0
	Other Rockfish	0	317	317	0%	0
	Pollock	0	1,426	1,426	0%	0
	Sablefish (Hook-and-Line)	0	0	0	0%	0
	Sablefish (Trawl)	0	257	257	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	1,446	1,446	0%	0
	Shallow Water Flatfish	0	1,844	1,844	0%	0
	Flathead Sole	0	57	57	0%	0
	Rex Sole	0	1,405	1,405	0%	0
	Pacific Ocean Perch	0	1,639	1,639	0%	0
	Pelagic Shelf Rockfish	0	443	443	0%	0
	Other Rockfish	0	200	200	0%	0
	Pollock	0	6,157	6,157	0%	0
	Demersal Shelf Rockfish	0	410	410	0%	0
	Sablefish (Hook-and-Line)	0	0	0	0%	0

Entire Gulf

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Atka Mackerel	0	1,500	1,500	0%	0
	Other Skates	3	1,617	1,614	0%	3
	Other Species	133	4,500	4,367	3%	41
Total:		8,054	235,486	227,432	3%	3,016

Gulf of Alaska Prohibited Species Report

Through: 27-JAN-07

**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	0	0			0
Total:			0	0			0

Chinook Salmon

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Chinook Salmon	Count	503	0			145
Total:			503	0			145

Halibut Mortality

Non-Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
X	Other Hook-and-Line Fisheries	MT	0	290	290	0%	0
Total:			0	290	290	0%	0

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Trawl Fishery	MT	31	2,000	1,969	2%	30
Total:			31	2,000	1,969	2%	30



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
 National Marine Fisheries Service
 P.O. Box 21668
 Juneau, Alaska 99802-1668

January 24, 2007

CERTIFIED—RETURN RECEIPT

Certified No. 7000 1530 0003 7098 7897

Sent Via Facsimile to: (206) 441-9090

Dale V. Schiffler
 Director of Administrative Operations
 Peter Pan Seafoods, Inc.
 The Tenth Floor
 2200 Sixth Avenue
 Seattle, WA 981121-1820

NOTICE OF OPPORTUNITY TO PROVIDE EVIDENCE

Dear Mr. Schiffler:

Thank you for your request, dated January 16, 2007, that the Restricted Access Management (RAM) Program authorize an exemption from geographic crab processing requirements under regulations at 50 CFR §680.42(h)(4) that govern use of your crab Individual Processing Quota (IPQ) designated for St. George. On review of your letter and attached supporting documentation, I do not believe that you have satisfied all of the required criteria for exemption. This current letter is notification that we are providing you with 30 calendar days (until 4:30 p.m. February 23, 2007), in which to provide any additional evidence to support your request. If you wish to provide evidence and request expedited review prior to that date, please so indicate in your cover correspondence.

Under the regulations implementing the Crab Rationalization Program (Program), the so-called "unavoidable circumstance" exemption from conducting processing for a crab Quota Share species designated for St. George inside that community must meet all of the following five criteria:

"(ii)...For purposes of this section, an unavoidable circumstance exists if the specific intent to conduct processing for a crab QS species in that ECC was thwarted by a circumstance that was:

- (A) Unavoidable;*
- (B) Unique to the IPQ permit holder, or to the processing facility used by the IPQ permit holder in that ECC;*
- (C) Unforeseen and reasonably unforeseeable to the IPQ permit holder;*
- (D) The circumstance that prevented the IPQ permit holder from processing crab in that ECC actually occurred; and*
- (E) The IPQ permit holder took all reasonable steps to overcome the circumstance that prevented the IPQ permit holder from conducting processing for that crab QS fishery in that ECC."*



To support your contention that the exemption requirements have been met, you provided discussion and supporting letters from the Master of the M/V STELLAR SEA and from the General Manager of Coastal Transportation Inc., a water-borne freight company that serves Western Alaska. Additionally, we received a letter from the Bering Sea Crab Cooperative regarding use of its harvesting vessels.

After reviewing these materials, it does not appear that all of the required criteria have been met. In brief:

1. These regulations are intended to provide relief for a temporary situation. We do not dispute the unsuitability of the area outside of the St. George harbor for processing operations. However, current suitability of the harbor is less clear, because processing operations conducted inside the harbor in past years resulted in Processor Quota Shares (PQS), the use of which is the subject of your request. And, a letter from Larry Cotter dated December 12, 2005 (copy attached) stated, in relevant part: "*St. George was declared a federal disaster area by President Bush. The Federal Emergency Management Agency has allocated \$4.7 million for reconstruction of the breakwater and dredging of the entrance channel. The repair work is scheduled to begin in spring of 2006 and be completed by the end of summer. At that point the harbor will be fully usable.*" You have not demonstrated that this work did not occur, or that it was insufficient to render the harbor useable for processing operations in the 2006/07 crab fishing year by an appropriately sized processing vessel. An attempt to use a vessel inappropriate for the dimensions of the harbor, as is the case for the M/V STELLAR SEA, does not meet regulatory criteria; and is therefore not an unavoidable circumstance.
2. Concerns about permanent issues, such as the characteristics of the St George harbor (shallow entrance pinnacles, narrow harbor width, and safety issues within the harbor due to its orientation, surge/seiche waves and exposure to weather), especially when coupled with the size of vessels currently participating in the fishery, cannot be addressed under this regulatory exemption. These concerns should appropriately be addressed by the North Pacific Fishery Management Council, and might require Program and regulatory changes.

What we require is clear evidence of why the St. George harbor is temporarily unsuitable at this time, as opposed to prior years, for operations by a processing vessel of appropriate size to the harbor.

Discussion

Criterion A (Unavoidable): As discussed above, it is not clear that your current situation was unavoidable. In the past, processing occurred in St. George harbor with vessels suited to the harbor. Presumably, vessels that meet the same dimensions or processing capacity could be used again. The issues that you assert now limit processing in St. George harbor appear to be either permanent harbor characteristics, or were well-known prior to the start of the 2006/2007 crab fishing year (e.g., the size and draft of the harbor, entrance obstructions, condition of the breakwater, and weather-related conditions). Your inability to process in St. George with the M/V STELLAR SEA appears as though it could have been avoided had different operational choices been made (e.g., using a smaller vessel, contracting with smaller vessel operators to

custom process crab). Unless you can clearly establish that a current condition exists that did not exist in the PQS-generating years, the circumstance does not appear to be "unavoidable."

Criterion B (Unique to the IPQ permit holder, or to the processing facility used by the IPQ permit holder in that ECC): Conditions in the harbor as you described them would appear to apply to any IPQ holder wishing to process crab in St. George. Therefore, this situation is not "unique to the IPQ holder" Peter Pan Seafoods. The situation also is not unique to the facility, the M/V STELLAR SEA. According to the U.S. Coast Guard, any vessel larger than 170-200 feet in length cannot maneuver in the St. George harbor, due to the narrow harbor width. Therefore, the situation is not unique to the facility.

Criterion C (Unforeseen and reasonably unforeseeable to the IPQ permit holder): As discussed above, the overall dimensions and state of the St. George breakwater, entrance and Harbor have been well known for some time; certainly well before the start of this year's crab fishing year on July 1, 2006. Also, you have not provided evidence to show how conditions may have changed, or remained unsuitable, from those that existed in the previous (2005/06) crab fishing year. Therefore, it is not clear how this was unforeseen or reasonable unforeseeable to Peter Pan.

Criterion D (The circumstance that prevented the IPQ permit holder from processing crab in that ECC actually occurred): It is unclear whether a circumstance has actually occurred this year (or continued from the prior year), as opposed to the M/V STELLAR SEA vessel being unsuitable for a harbor the size of the St. George harbor.

Criterion E (The IPQ permit holder took all reasonable steps to overcome the circumstance that prevented the IPQ permit holder from conducting processing for that crab QS fishery in that ECC): You assert "The Harbor cannot accommodate any stationary floating processors available to the fishery that have demonstrated an ability to come to terms with IPQ holders, including securing RCR permits and approved crab monitoring plans." And, "No processing vessel currently active in the industry has ever processed at St. George, within the Harbor or otherwise." While Peter Pan may have made efforts to investigate and procure other processing vessels or shoreside arrangements at St. George, *nothing you have provided documents those efforts.* Clearly, historic crab processing activity occurred in St. George. Whether or not those or same processor vessels are available now is irrelevant. Your statement appears to indicate that there are other processing vessels currently operating. Whether or not any other existing processing options can "come to terms with IPQ holders" also is irrelevant. As to your other points, RCR permits are available from the Restricted Access Management (RAM) Program on application, and crab monitoring plans can be approved on application and inspection by NMFS personnel. The only "step taken" that is clear is that Peter Pan Seafoods wishes to use the M/V STELLAR SEA, a vessel that cannot now, and in fact, never could, operate within the St. George Harbor based on the known dimensions of the vessel and Harbor navigational requirements.

Finally, you cite significant safety issues associated with operations at St. George. In your letter, you stated: "*In the present case we find that the safe processing of crab by any processor in St. George is not possible. The Harbor cannot accommodate any stationary floating processors available to the fishery that have demonstrated an ability to come to terms with IPQ holders, including securing RCR permits and approved crab monitoring plans. In addition, for safety reasons nearly all the IPQ holders in the Northern region refuse to attempt entry into St. George*

to make deliveries due to safety concerns, and there is no freight company willing to enter the Harbor and take finished product off-load from the processors in 2007.

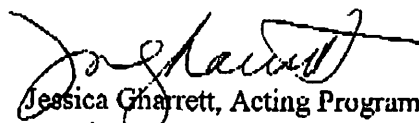
No processing vessel currently active in the industry has ever processed at St. George, within the Harbor or otherwise. Senior Management and Operations personnel from these processors also deem conditions outside the Harbor but within St. George boundaries to be extremely unsafe for processing."

Safety is certainly a serious issue of great concern to NOAA Fisheries, and the basis of much of your request. But, safety is not itself a criterion for this particular regulatory exemption to IPQ use requirements. Delivery and processing operations occurred in the St. George harbor for this fishery in the past; what has changed to cause unsafe conditions there at this time? Your own application and supporting materials, and information from the U.S. Coast Guard and U.S. Corps of Engineers, indicates that in St. George, safety may be a long-standing issue rather than something unforeseen or unforeseeable that Peter Pan Seafoods could have taken any steps to avoid. I wish to note that a primary objective of the Program was to improve safety by providing longer seasons. The snow crab fishery remains open: in the Eastern area until May 15, and in the Western area until May 31. This attenuated season should provide significant opportunity for avoidance of weather-related conditions at St. George.

Again, this is not a formal denial of your request for an exemption to the "cooling off" regulatory requirements. Rather, it is a limited opportunity (until 4:30 p.m. February 23, 2007), to provide any additional supporting documentation that your situation meets all required criteria, and for providing any other information you believe is relevant to this matter. At the end of the 30 day period, or before, if you request expedited review, we will again consider your request.

If you have questions about this issue, or other aspects of the crab rationalization program, I may be reached at: (800) 304-4846 (option 2); or, in Juneau, (907) 586-7461.

Sincerely,



Jessica Gharrett, Acting Program Administrator
Restricted Access Management Program

cc: Clyde Sterling, Peter Pan Seafoods, Inc. (via FAX)
Peter Pan Crab Applicant File
GCAK
APICDA, CEO Larry Cotter (via FAX)
Stephanie Madson, NPFMC (via FAX)



January 15, 2007

Jessie Gharrett
Restricted Access Management
National Marine Fisheries Service
P.O. Box 21668
Juneau, AK 99802

THE TENTH FLOOR
1200 5th AVENUE
SEATTLE WA 98121-1820
206.728.6000
OPERATIONS FAX 206.441.9090
SALES FAX 206.728.1853

Dear Ms Gharrett;

This letter is being submitted by Peter Pan Seafoods, Inc. in accordance with 50 CFR [680.42(b) ((4)]. As a party with an interest in the processing of crab in the City of St. George during the crab processing seasons opening October 15, 2006 and currently in progress, we are requesting approval to move the delivery and processing of all Peter Pan's IPQ currently required to be delivered and processed within the city limits of St. George to the delivery and processing of those same IPQ within the city limits of St. Paul.

Peter Pan Seafoods has IPQ that was earned through processing within the City of St. George. The City of St. George is the community with jurisdiction over the St. George Boat Harbor. APICDA is the ECC for the City of St. George. The city of St. Paul is the only other viable delivery area in this Northern region.

50 CFR 680.42(b)(4)(ii) provides that IPQ in excess of the amounts specified in Section 680.42(c)(7)(i) may be used outside the applicable ECC for which such IPQ is designated "if an unavoidable circumstance prevents crab processing within that ECC." The regulation further notes that "an unavoidable circumstance" exists if crab processing for a crab QS species in that ECC was thwarted by a circumstance that: (A) was unavoidable; (B) was unique to the IPQ holder, or to the processing facility used by the IPQ permit holder in that ECC; (C) was unforeseen and reasonably unforeseeable to the IPQ permit holder; (D) actually prevented the IPQ permit holder from processing crab in that ECC; and (E) the IPQ permit holder took all reasonable steps to overcome the circumstance.

In the present case we find that the safe processing of crab by any processor in St. George is not possible. The Harbor cannot accommodate any stationary floating processors available to the fishery that have demonstrated an ability to come to terms with IPQ holders, including securing RCR permits and approved crab monitoring plans. In addition, for safety reasons nearly all the IFQ holders in the Northern region refuse to attempt entry into St. George Harbor to make deliveries due to safety concerns, and there is no freight company willing to enter the Harbor to take finished product off-load from the processors in 2007.

No processing vessel currently active in the industry has ever processed at St. George, within the Harbor or otherwise. Senior Management and Operation personnel from these processors also deem conditions outside the Harbor but within St. George boundaries to be extremely unsafe for processing.

Peter Pan Seafoods acknowledges that in accordance with Section 680.42(b)(4)(iii), the IPQ is not exempt from the regional designation and, as such, must be processed in St. Paul.

In order to minimize adverse impacts to the communities involved, we have been in contact with St. Paul, St. George, and APICDA officials in coordinating the terms of a move of all Peter Pan Seafoods IPQ required to be delivered and processed within the ECC of St. George to the City of St. Paul. This move would keep the delivery and processing within the Northern District. The city of St. Paul has agreed to collect the City taxes due for the processing of the "moved" IPQ from Peter Pan Seafoods. The City of St. Paul will then pass this tax money on to the City of St. George, less a collection and handling fee. This is the same kind of arrangement as took place in 2006 and St. Paul has agreed to do so again. At this time St. Paul and St. George officials are still working on the details of the tax "sharing".

We believe the conditions of the St. George Boat Harbor as well as the open water around the island meet the intent of the third paragraph. We believe that a satisfactory solution to the problem for the current year is to proceed as we did last season. We believe that the regulations authorize you to approve this move of the PQS. We are hopeful that we have provided you with sufficient information to authorize the move again this year.

If you have any questions please contact Clyde Sterling of Peter Pan Seafoods at (206) 727-7211.

Sincerely;

Peter Pan Seafoods, Inc.
Clyde Sterling, Senior Vice President

January 10th 2007

Jessica Gharrett
Restricted Access Management
National Marine Fisheries Service
P.O. Box 21668
Juneau, AK. 99802

Dear Ms Gharrett:

I am writing this letter in my capacity as the Licensed Master on the M/V Stellar Sea. I have been a licensed master for the last six years. I have sailed in the waters around the Pribilof Islands from 1992 to 1999 on the Stellar Sea, and I also sailed with Coastal Transportation for five years which included regular trips to the Pribilofs.

The Stellar Sea is 315 ft long, 45 ft wide, with a draft of 22 ft, we carry a crew of 150 people. According to the Corp of Engineers, the St. George harbor was designed for vessels 110 ft long, 35 ft wide, with a draft of 12 ft. There are pinnacles in the entrance channel to the harbor at a depth of 18 feet that the Stellar Sea would not clear. This vessel is too large to enter the St. George Boat Harbor and with a draft of 22 ft there is not enough depth for the ship if it did enter the harbor, which it cannot.

Because of the shape and height of St. George Island there are no sheltered anchorages that would allow for the Stellar Sea to process. The EPA also has restrictions that require the ship to stay at least one half mile off shore while processing. Because of the shape of the island and the rotary currents the swells wrap around the island. With persons working close to tanks of boiling water and brine, we need to keep in mind the safety of the individuals below decks, and the rolling of the ship raises the risk of injury greatly. There is a great risk of potential damage to the ship and the catcher vessel we would have alongside with the predominant weather conditions and the sea swell conditions.

To make the transit from St. Paul to St. George Island could take 5 to 7 hours, depending on location of the ship and weather conditions. It would take 8 to 12 hours to secure the ship and processing area for travel. If we have to empty our cook tank and brine tank for traveling, as much as 36 hours to be ready to process again, from the time we finish up processing prior to transit, it would take roughly the same amount of time to repeat the process for the return transit and set up.

St. Paul Island has numerous anchorages, Village Cove, Zolotoi Bay, English Bay, Lukaniin Bay, inside North East Point, and the Big Lake area, that provide ample options for the Stellar Sea to work safely in the widely changing weather conditions there.

Sincerely,

Master- M/V Stellar Sea
Burton S. Phillips



**- COASTAL -
TRANSPORTATION
INC.**

4025 13TH AVENUE WEST SEATTLE, WASHINGTON 98119-1350

PHONE: 206.282.9979 800.544.2580

FAX: 206.283.9121

WWW.COASTALTRANS.COM

January 9, 2007

Jessica Gharrett, Program Administrator
Restricted Access Management
National Marine Fisheries Service
PO Box 21668
Juneau, AK 99802

Dear Ms. Gharrett:

Coastal Transportation is a water-borne transportation company servicing Western Alaska. At present we do not serve the Port of St. George. A number of years ago one of our vessels attempted our first entry into the harbor and sustained major hull damage, resulting in the flooding of the cargo hold. Until we deem the harbor safe for navigation, we will continue to decline service.

Sincerely,

Jim Shaffer
General Manager

H:\cinnfsst07





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

January 25, 2007

CERTIFIED - RETURN RECEIPT

Certified No: 7000 1530 0005 2264 9994

Sent Via Facsimile to: (206) 764-5540

Greg Blakey, President
Snopac Products, Inc.
5053 East Marginal Way South
Seattle, WA 98134-2407

NOTICE OF OPPORTUNITY TO PROVIDE EVIDENCE

Dear Mr. Blakey:

Thank you for your request, dated January 15, 2007, that the Restricted Access Management (RAM) Program authorize an exemption from geographic crab processing requirements under regulations at 50 CFR §680.42(b)(4) that govern use of your crab Individual Processing Quota (IPQ) designated for St. George. On review of your letter and attached supporting documentation, I do not believe that you have satisfied all of the required criteria for exemption. This current letter is notification that we are providing you with 30 calendar days (or until 4:30 p.m. February 26, 2007), in which to provide any additional evidence to support your request. If you wish to provide evidence and request expedited review prior to that date, please so indicate in your cover correspondence.

Under the regulations implementing the Crab Rationalization Program (Program), the so-called "unavoidable circumstance" exemption from conducting processing for a crab Quota Share species designated for St. George inside that community must meet all of the following five criteria:

"(ii)...For purposes of this section, an unavoidable circumstance exists if the specific intent to conduct processing for a crab QS species in that ECC was thwarted by a circumstance that was:

(A) Unavoidable;

(B) Unique to the IPQ permit holder, or to the processing facility used by the IPQ permit holder in that ECC;

(C) Unforeseen and reasonably unforeseeable to the IPQ permit holder;

(D) The circumstance that prevented the IPQ permit holder from processing crab in that ECC actually occurred; and

(E) The IPQ permit holder took all reasonable steps to overcome the circumstance that prevented the IPQ permit holder from conducting processing for that crab QS fishery in that ECC."



To support your contention that the exemption requirements have been met, you provided discussion and a report from the U.S. Corps of Engineers, entitled "Navigation Improvements, Limited Reevaluation Report, St. George, Alaska", dated July 2004.

After reviewing these materials, it does not appear that all of the required criteria have been met. In brief:

1. These regulations are intended to provide relief for a temporary situation. We do not dispute the unsuitability of the area outside of the St. George harbor for processing operations. However, current suitability of the harbor is less clear, because processing operations conducted inside the harbor in past years resulted in Processor Quota Shares (PQS), the use of which is the subject of your request. And, a letter from Larry Cotter dated December 12, 2005 (copy enclosed) stated, in relevant part: "*St. George was declared a federal disaster area by President Bush. The Federal Emergency Management Agency has allocated \$4.7 million for reconstruction of the breakwater and dredging of the entrance channel. The repair work is scheduled to begin in spring of 2006 and be completed by the end of summer. At that point the harbor will be fully usable.*" You have not demonstrated that this work did not occur, or that it was insufficient to render the harbor useable for processing operations in the 2006/07 crab fishing year by an appropriately sized processing vessel. Therefore, your situation does not meet regulatory criteria; and is therefore not an unavoidable circumstance.
2. Concerns about permanent issues, such as the characteristics of the St George harbor (shallow entrance pinnacles, narrow harbor width, and safety issues within the harbor due to its orientation, surge/sciche waves and exposure to weather), especially when coupled with the size of vessels currently participating in the fishery, cannot be addressed under this regulatory exemption. These concerns should appropriately be addressed by the North Pacific Fishery Management Council, and might require Program and regulatory changes.

What we require is clear evidence of why the St. George harbor is temporarily unsuitable at this time, as opposed to prior years, for operations by a processing vessel of appropriate size to the harbor.

Discussion

Criterion A (Unavoidable): As discussed above, it is not clear that your current situation was unavoidable. In the past, processing occurred in St. George harbor with vessels suited to the harbor. Presumably, vessels that meet the same dimensions or processing capacity could be used again. The safety issues that you assert now limit processing in St. George harbor are not specified, but from your attachment appear to be either permanent harbor characteristics, or were well-known prior to the start of the 2006/2007 crab fishing year (e.g., the size and draft of the harbor, entrance obstructions, condition of the breakwater, and weather-related conditions). You contend "The Harbor at St. George cannot accommodate any stationary floating processors available to the fishery that have demonstrated an ability to come to terms with IPQ holders...". This related to your operational concerns and not the regulatory requirements; and implies that there are processors of appropriate size that might be made suitable. Unless you can clearly establish that a current condition exists that did not exist in the PQS-generating years, the circumstance does not appear to be "unavoidable."

Criterion B (*Unique to the IPQ permit holder, or to the processing facility used by the IPQ permit holder in that ECC*): Conditions in the harbor as you described them would appear to apply to any IPQ holder wishing to process crab in St. George. Therefore, this situation is not "unique to the IPQ holder" Snopac Products, Inc. According to your letter, the situation also is not unique to any particular processing "facility" (vessel). Although you did not state your intended processing platform, I understand that you intended to use the M/V STELLAR SEA and perhaps also the M/V INDEPENDENCE, both of which are longer than the harbor can accommodate. In any case, according to the information in your attachment, the St. George harbor was designed for vessels approximately 110 feet in length, with a 12 foot draft. Therefore, the situation is not unique to any one "facility".

Criterion C (*Unforeseen and reasonably unforeseeable to the IPQ permit holder*): As discussed above, the overall dimensions and state of the St. George breakwater, entrance and harbor have been well known for some time; certainly well before the start of this year's crab fishing year on July 1, 2006. Also, you have not provided evidence to show how conditions may have changed, or remained unsuitable, from those that existed in the previous (2005/06) crab fishing year. Therefore, it is not clear how this was unforeseen or reasonable unforeseeable to Snopac Products, Inc.

Criterion D (*The circumstance that prevented the IPQ permit holder from processing crab in that ECC actually occurred*): It is unclear whether a circumstance has actually occurred this year (or continued from the prior year), as opposed to your current processing platform being unsuitable for a harbor the size of the St. George harbor.

Criterion E (*The IPQ permit holder took all reasonable steps to overcome the circumstance that prevented the IPQ permit holder from conducting processing for that crab QS fishery in that ECC*): You assert "The Harbor cannot accommodate any stationary floating processors available to the fishery that have demonstrated an ability to come to terms with IPQ holders, including securing RCR permits and approved crab monitoring plans." And, "No processing vessel currently active in the industry has ever processed at St. George, within the Harbor or otherwise." While Snopac Products, Inc. may have made efforts to investigate and procure other processing vessels or shoreside arrangements at St. George, *nothing you have provided documents those efforts*. Clearly, historic crab processing activity occurred in St. George. Whether or not those or same processor vessels are available now is irrelevant. Your statement appears to indicate that there are other processing vessels currently operating. Whether or not any other existing processing options can "come to terms with IPQ holders" also is irrelevant. As to your other points, RCR permits are available from the Restricted Access Management (RAM) Program on application, and crab monitoring plans can be approved on application and inspection by NMFS personnel. The only "step taken" that is clear is that Snopac Products Inc. has asserted that the St. George harbor is unsafe for your current planned operations.

Finally, you cite significant safety issues associated with operations at St. George. In your letter, you stated: "*In the present case we find that the safe processing of crab by any processor in St. George is not possible. The Harbor cannot accommodate any stationary floating processors available to the fishery that have demonstrated an ability to come to terms with IPQ holders, including securing RCR permits and approved crab monitoring plans. In addition, for safety reasons nearly all the IFQ holders in the Northern region refuse to attempt entry into St. George*"

to make deliveries due to safety concerns, and there is no freight company willing to enter the Harbor and take finished product off-load from the processors in 2007.

No processing vessel currently active in the industry has ever processed at St. George, within the Harbor or otherwise. Senior Management and Operations personnel from these processors also deem conditions outside the Harbor but within St. George boundaries to be extremely unsafe for processing."

Safety is certainly a serious issue of great concern to NOAA Fisheries, and the basis of much of your request. But, safety is not itself a criterion for this particular regulatory exemption to IPQ use requirements. Delivery and processing operations occurred in the St. George harbor for this fishery in the past; what has changed to cause unsafe conditions there at this time? Your own application indicates that in St. George, safety may be a long-standing issue rather than something unforeseen or unforeseeable that Snopac Products, Inc. could have taken any steps to avoid. I wish to note that a primary objective of the Program was to improve safety by providing longer seasons. The snow crab fishery remains open: in the Eastern area until May 15, and in the Western area until May 31. This attenuated season should provide significant opportunity for avoidance of weather-related conditions at St. George.

Again, this is not a formal denial of your request for an exemption to the "cooling off" regulatory requirements. Rather, it is a limited opportunity (until 4:30 p.m. February 26, 2007), to provide any additional supporting documentation that your situation meets all required criteria, and for providing any other information you believe is relevant to this matter. At the end of the 30 day period, or before, if you request expedited review, we will again consider your request.

If you have questions about this issue, or other aspects of the crab rationalization program, I may be reached at: (800) 304-4846 (option 2); or, in Juneau, (907) 586-7461.

Sincerely,



Jessica Gharrett, Acting Program Administrator
Restricted Access Management Program

Enclosure

cc: GCAK
APICDA, CEO Larry Cotter (via FAX)
Stephanic Madson, NPFMC (via FAX) w/enc.



Aleutian Pribilof Island Community Development Association

234 Gold Street • Juneau, Alaska 99801 • (907) 586-0161 • Fax: (907) 586-0165
509 West 3rd Avenue, Suite 108 • Anchorage, Alaska 99501 • (907) 929-5273 • Fax: (907) 929-5275

December 12, 2005

Mr. Phillip J. Smith, Program Administrator
Restricted Access Management
National Marine Fisheries Service, Alaska Region

Dear Mr. Smith:

Thank you for your letter of November 10, 2005 in which you seek additional information and assurances.

With regard to Sections B and D of 50 CFR 680.(b)(iv):

- The south breakwater suffered structural damage which will require approximately 12,000 cubic yards of five to ten ton rock to repair. In addition, the entrance channel filled in with approximately 12,000 cubic yards of sand, which now needs to be dredged. As a result, the City of St. George cannot certify safe passage into the harbor.
- The nature of the planned processing activity in St. George involves the use of a floating processing vessel(s) tied to the dock in the inner harbor. This is how all crab processing operations have operated in St. George in the past. Because of the damage to the breakwater and the entrance channel – and the inability of the City of St. George to certify safe passage into the harbor – it is not possible for processing vessels to enter the harbor during the 2006 opilio season.

With regard to Section E of 50 CFR 680.(b)(iv):

- St. George was declared a federal disaster area by President Bush. The Federal Emergency Management Agency has allocated \$4.7 million for reconstruction of the breakwater and dredging of the entrance channel. The repair work is scheduled to begin in spring of 2006 and be complete by the end of summer. At that point the harbor will be fully usable.

We are aware of the provision that IPQs must be used within the home community at least once in three years or they could be transferred out without regard to the right of first refusal. It is our full intention that both the IPQs owned by Peter Pan and Snopac Products will be processed in St. George in the future.

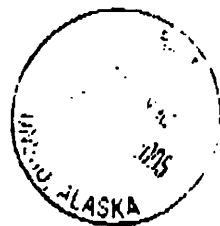
Mr. Phillip Smith
December 12, 2005
Page 2

We appreciate your attention to this matter. Please contact me if you have additional questions of concerns.

Sincerely,


Larry Cotter, CEO

Cc: Max Malavansky, City of St. George
Barry Collier, Pcter Pan Seafoods
Greg Blakey, Snopac Products



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

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

January 25, 2007

CERTIFIED - RETURN RECEIPT**Certified No. 7000 1530 0003 7098 7910**

Sent Via Facsimile to: (206) 441-9090

Dale V. Schiffler
Director of Administrative Operations
Peter Pan Seafoods, Inc.
The Tenth Floor
2200 Sixth Avenue
Seattle, WA 981121-1820

ENCLOSURE TO NOTICE OF OPPORTUNITY TO PROVIDE EVIDENCE

Dear Mr. Schiffler:

In your letter request dated January 16, 2007, you asked that the Restricted Access Management (RAM) Program authorize an exemption from geographic crab processing requirements under regulations at 50 CFR §680.42(b)(4) that govern use of your crab Individual Processing Quota (IPQ) designated for St. George. In my response on January 24, 2007, I referred to a letter from Mr. Larry Cotter, dated December 12, 2005, and indicated that I was enclosing a copy of Mr. Cotter's letter. Unfortunately, my response that was sent to you via facsimile (FAX) and that we mailed certified return receipt (7000 1530 0003 7098 7897) on January 24 omitted the referenced document.

This letter is intended to convey to you that enclosure. I regret any inconvenience this may have caused.

If you have questions about this issue, or other aspects of the crab rationalization program, I may be reached at: (800) 304-4846 (option 2); or, in Juneau, (907) 586-7461.

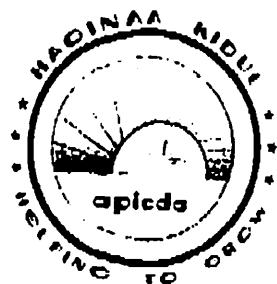
Sincerely,

Jessica Gharrett, Acting Program Administrator
Restricted Access Management Program

Enclosure

cc: Clyde Sterling, Peter Pan Seafoods, Inc. (via FAX)
Peter Pan Crab Applicant File
GCAK
APICDA, CEO Larry Cotter (via FAX)
Stephanie Madson, NPFMC (via FAX)





Aleutian Pribilof Island Community Development Association

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December 12, 2005

Mr. Phillip J. Smith, Program Administrator
Restricted Access Management
National Marine Fisheries Service, Alaska Region

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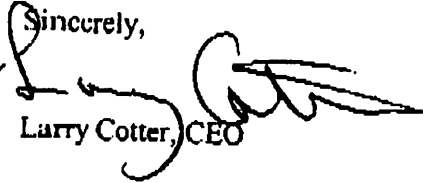
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We are aware of the provision that IPQs must be used within the home community at least once in three years or they could be transferred out without regard to the right of first refusal. It is our full intention that both the IPQs owned by Peter Pan and Snopac Products will be processed in St. George in the future.

Mr. Phillip Smith
December 12, 2005
Page 2

We appreciate your attention to this matter. Please contact me if you have additional questions of concerns.

Sincerely,



Larry Cotter, CEO

Cc: Max Malavansky, City of St. George
Barry Collier, Pcter Pan Seafoods
Greg Blakey, Snopac Products

