

Status of FMP Amendments
March 27, 2009

FMP Amendment Status: <u>Actions Since February 2009</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 27 (KTC) – Custom Processing Approved: December 9, 2008	December 2007	PR: 5/30/08 FR: 1/30/09	PR: September 5, 2008	September 11, 2008 73 FR 52806 Comment period ended November 10, 2008	September 19, 2008 73 FR 54346 Comment period ended November 3, 2008	
Amendment 28 (KTC) – Post delivery transfers Approved: Feb. 23, 2009	December 2007	PR: 8/14/08	PR: November 18, 2008	November 25, 2008 73 FR 71598 Comment period ended January 24, 2009	December 12, 2008 73 FR 75661 Comment period ended January 26, 2009	
Amendment 30 (KTC) – Arbitration System Changes	April 2008	PR: 1/28/09				
Amendment 31 (KTC) – C-Share Active Participation	April 2008					
Amendments 33 (KTC) – Revisions to Loan Program	June 2008	NOA: 3/27/09				
Amendment 34 (KTC) – Adjustments to GOA sideboards for BSAI crab vessels	Oct 2008					
Amendments 62/62: Single Geographic Location and AFA Housekeeping	Oct 2002	PR: 12/5/08	PR: March 27, 2009			
Amendment 85 (GOA) – BSAI Sideboard exemption in GOA Rockfish Program	Oct 2008	PR: 1/30/09	PR: March 16, 2009	March 24, 2009 74 FR 12300 Comment period ends May 26, 2009		

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Amendment 90 (BSAI) Post delivery transfers for Amendment 80 cooperatives and Amendment 78 (GOA) Rockfish Post-Delivery Transfers Approved: March 16, 2009	February 2008	PR: 9/2/08	PR: December 8, 2008	December 17, 2008 73 FR 76605 Comment period ended February 17, 2009	January 5, 2009 74 FR 254 Comment period ended February 17, 2009	
Amendments 92/82 to BSAI and GOA FMPS - Trawl License Latency Approved: March 11, 2009	April 2008	PR: 8/25/08	PR: December 5, 2008	December 12, 2008 73 FR 75659 Comment period ended February 10, 2009	December 30, 2008 73 FR 79773 Comment period ended February 13, 2009	
Arctic FMP and Amd 29 (KTC FMP)	February 2009					

Status of Regulatory Amendments
March 27, 2009

Regulatory Amendment Status: <u>Actions Since February 2009</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>
Groundfish Regulatory Amendments					
Revise MRA accounting period for non-AFA C/Ps for selected groundfish species in the BSAI	December 2006	PR: 7/2/08	PR: Jan. 28, 2009	February 13, 2009 74 FR 7209 Comment period ended March 16, 2009	
Revision to GOA pollock trip limit	December 2007	PR: 8/20/08 FR 2/27/09	PR: Sept. 29, 2008	October 20, 2008 73 FR 62241 Comment period ended November 17, 2008	
Revisions to MRAs in GOA arrowtooth fishery	October 2007	PR: 7/1/08 FR: 2/25/09	PR: Nov. 6, 2008 FR: 3/12/09	November 25, 2008 73 FR 71592 Comment period ended December 26, 2008	March 27, 2009 74 FR 13348 Effective 3/27/09
CDQ regulation of harvest	MSA requirement Council - June 2007	PR: 12/17/08			
Observer Program regulation revisions	April 2008	PR: 2/25/09			
Area 4E seabirds	June 2008	PR: 9/18/08 FR: 2/25/09	PR: Dec 30, 2008 FR: Mar. 9, 2009	Jan. 16, 2009 74FR 2984 Comment period ended February 17, 2009	March 27, 2009 FR 13355 Effective 4/27/09

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Groundfish Regulations, continued					
GOA Groundfish 2009/10 Harvest Specifications	Oct 2008	PR: 10/29/08 FR: 12/23/08	PR: Nov. 12, 2008 FR: Jan. 23, 2009	December 12, 2008 73 FR 73222 Comment period ended January 2, 2009	February 17, 2009 74 FR 7333 Effective Feb. 17, 2009
BSAI Groundfish 2009/10 Harvest Specifications	Oct 2008	PR: 10/29/08 FR: 12/23/08	PR: Nov. 12, 2008 FR: Jan 28, 2009	December 10, 2008 73 FR 75059 Comment period ended January 9, 2009	February 17, 2009 74 FR 7359 Effective Feb. 17, 2009
Allow online transfers for CDQ and cooperatives	NMFS	PR: 1/6/09			
Revise definition of "U.S. citizen"	NMFS	PR: 2/23/09			
Halibut Regulations					
Implement 1-Fish Bag Limit in Area 2C	NMFS	PR: 10/15/08 FR: 3/13/09	PR: Dec. 3, 2008	December 22, 2008 73 FR 78276 Comment period ended January 21, 2009	
Charter vessel moratorium	April 2007	PR: 9/29/08	PR: Feb. 25, 2009		
Annual IPHC Regulations	IPHC – January 2009				March 19, 2009 74 FR 11681
Halibut charter catch sharing plan	Oct 2008				
Subsistence Halibut – Include Certain Rural Residents	June 2008				
Remove inactive IFQ permits	June 2006				

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OTHER					
Notice of EFP Application Halibut sorting	NMFS				March 23, 2009 74 FR 12113
Notice of 2009 GHGs	NMFS				February 24, 2009 74 FR 8232

Regulatory Actions Completed in 2009
March 27, 2009

- Notice of EFP application – Halibut survival rates: **January 22, 2009 74 FR 3992**
- 2009 Chiniak Gully closure –rescinding closure: **January 21, 2009 74 FR 3449**
- BSAI pollock and GOA pollock and Pacific cod 2009 TAC adjustments: **BSAI: 1/2/09 74 FR 38 GOA: 1/5/09 74 FR 233**
- Interagency Electronic Reporting System: **December 15, 2008. 73 FR 76136**
- Amendment 73/77 Removing Dark Rockfish from the BSAI and GOA FMPs: **December 31, 2008 73 FR 80307**
- VMS dinglebar gear exemption: **January 21, 2009 74 FR 3446**

2009 catch is through March 21 unless otherwise stated

Bering Sea and Aleutian Islands

Bering Sea Pollock

By March 28 all sectors, including CDQ, are expected to catch the total 2009 A season allocation of 318,115 metric tons (mt). In 2008 the A season directed pollock fisheries ended by March 29 catching 387,053 mt. In 2009, 12 catcher processors (CPs) fished compared to 17 CPs in 2008. Effort in the other sectors is similar to 2008 with 17 catcher vessels delivering to three motherships and 75 inshore catcher vessels.

Through	CP	Mothership	Inshore	CDQ	Total
3/21/09	107,358	27,563	121,958	30,307	287,187
3/22/08	138,843	34,712	172,227	39,949	385,730

Salmon in pollock fishery

The A season pollock fishery in 2009 has caught 7,702 non-CDQ and 394 CDQ Chinook salmon compared to the 2008 catch of 14,421 non-CDQ and 604 CDQ Chinook salmon. In 2009 the Chinook Salmon Savings Area (CSSA) remains open. In 2008 the CSSA remained open all year.

Trawl halibut mortality

In 2009 halibut mortality for trawl gear is allocated to BSAI trawl limited access, Amendment 80 limited access, and Amendment 80 cooperatives. Through the third week of March the 2009 total trawl halibut mortality is 120% of the 2008 total and 64% of the 2007 total. Most of the increase compared to 2008 is in the pollock and rock sole targets. The BSAI trawl limited access sector has exceeded the 2009 annual halibut mortality limit of 175 mt for the pollock/Atka mackerel/other species target by 136 mt. For the same time period in 2008 this sector had also exceeded the 125 mt limit by 25 mt.

The halibut mortality through March 21, 2009 compared to March 22, 2008 is:

All trawl gear by target (Other includes Flathead sole, Atka mackerel, and Rockfish)

2009 Total – 1,065 mt

Pacific cod 192 mt, Pollock 311 mt, Rock sole 343 mt, Yellowfin 189 mt, Other 30 mt

2008 Total - 887 mt

Pacific cod 212 mt, Pollock 150 mt, Rock sole 288 mt, Yellowfin 214 mt, Other 23 mt

Atka mackerel

Eight CPs registered for the 2009 A season HLA fisheries in 542 and 543 (six in 2008): three in the Amendment 80 cooperative, four in the Amendment 80 limited access sector, and one in the BSAI trawl limited access sector. The catch is below the HLA limits. As in past years effort has been low in Area 543. The Eastern Aleutian District/Bering Sea fishery closed for the Amendment 80 limited access sector February 5. The Eastern Aleutian District/Bering Sea fishery for the BSAI trawl limited access sector closed January 20 and will re-open before April 15.

Pacific cod

Hook-and-line catcher/processors

In 2009, 37 hook-and-line CPs participated in the A season Pacific cod fishery (36 in 2008). The A season closed February 8 catching 39,470 mt of the 38,951 mt total allowable catch (TAC). The fishery closed February 8 in 2008 and February 12 in 2007.

Hook-and-line catcher vessels \geq 60 feet length overall (LOA)

The fishery for hook-and-line catcher vessels \geq 60 feet LOA remains open with no participation. In 2008 the fishery remained open until August 28 with no participation, so NMFS reallocated 150 mt to jig gear and 153 mt to hook-and-line and pot vessels $<$ 60 ft LOA.

Hook-and-line and pot catcher vessels $<$ 60 feet LOA

In 2009, 10 hook-and-line caught 14% and 16 pot vessels caught 86% of the 4,154 mt total catch. The fishery closed March 16, 2009. In 2008, 10 hook-and-line caught 16% and 10 pot vessels caught 84% of the 4,206 mt total catch. The fishery closed March 21, 2008. As in 2008, NMFS reallocated 1,200 mt from jig gear to the $<$ 60 ft category in March and plans to reallocate 400 mt in April 2009.

Jig

In 2009, no effort has occurred in this fishery. In 2008, effort started in May and 15 vessels caught 176 mt.

Pot \geq 60 ft LOA

The 2009 fishery closed February 1 with 19 vessels catching about 5,700 mt of the 6,718 mt A season TAC. The fishery reopened March 1, 2009 and remains open with few vessels participating. The 2008 fishery closed January 18 with 43 vessels catching about 6,600 mt of the 6,496 mt A season TAC.

Pot catcher processors

The 2009 fishery closed January 28 with three pot CPs catching 1,288 mt of the 1,200 mt A season TAC. The 2008 fishery closed January 20 with five CPs catching 1,207 mt of the 1,160 mt A season TAC.

Trawl

The 2009 A season for catcher vessels closed March 21 catching 24,384 mt of the 25,782 mt A season TAC. The 2008 A season for catcher vessels closed March 6 catching 25,807 mt of the 24,932 mt A season TAC. In 2008, the B season opened April 1 to 4 and a total of 3,360 mt was taken. The 2009 B season will open April 1 and is expected to close about April 5 based on past rates and number of vessels fishing (~50).

The Amendment 80 cooperative is controlling their catch. The 2009 Amendment 80 limited access fishery is closed for the A and B seasons. The 2009 A season closed for AFA catcher/processors effective March 6 and the B season will remain closed. The 2008 A season for AFA catcher/processors closed March 24.

Flatfish

Rock sole was the main flatfish target until March when the fleet started targeting yellowfin sole. For rock sole the 2009 total catch of 30,913 mt is close to the 2008 total catch of 28,097 mt. For yellowfin sole the 2009 total catch of 17,202 mt is less than the 2008 total catch of 31,923 mt.

Gulf of Alaska

Western GOA Pacific cod

The 2009 A season Western GOA inshore Pacific cod fishery closed February 25. A total of 9,148 mt of the 8,735 mt A season TAC was caught by 74 vessels. The percentages by gear are: 42% from pot, 38% from hook-and-line, and 20% from trawl. The 2008 A season Western GOA inshore Pacific cod fishery closed February 29. A total of 10,471 mt of the 10,502 mt A season TAC was caught by 80 vessels. The percentages by gear are: 37% from pot, 21% from hook-and-line, and 42% from trawl. The offshore component remains open in 2009 and closed March 4 in 2008.

Central GOA Pacific cod

High catch rates and a lower TAC caused the 2009 A season inshore fishery to close January 27 about 3 1/2 weeks earlier than the February 20 closure in 2008. Each year 1,500-2,000 mt of the A season TAC is subtracted from the directed fishing allowance for incidental catch to support other fisheries through June 10. In 2009 a total of 11,286 mt of the 12,767 mt A season TAC was caught by 158 vessels. The percentages by gear are: 37% from pot, 31% from hook-and-line, and 32% from trawl. The 2008 A season Central GOA inshore Pacific cod fishery closed February 20 and opened for 24 hours on February 29. A total of 14,529 mt of the 15,350 mt A season TAC was caught by 167 vessels. The percentages by gear are: 28% from pot, 35% from hook-and-line, and 37% from trawl. The A season offshore component Pacific cod is mostly caught by hook-and-line CPs and closed February 19 in 2009 and March 9 in 2008.

Pollock

The 2009 A and B season pollock TACs of 20,203 are 20% lower than the 2008 A and B season pollock TACs of 25,212 mt. Most of the decrease is in Area 620 (29%) and Area 630 (17%). Area 610 had three openings: January 20-22 for 124 mt, March 1-3 for 2,917 mt, and March 10-12 for 2,743 mt. Area 620 had two open: January 20-March 6 for 5,042 mt and March 10-14 for 5,814 mt. Area 630 had three openings: January 20-22 for 696 mt, 12 hours on February 11 with no effort, and March 9-11 for 3,463 mt. The West Yakutat pollock fishery closed March 21 with 928 mt caught.

Deep and Shallow Water Complex Trawl Fisheries

NMFS closed the deep-water species fisheries for the first season allowance (100 mt) March 3, 2009. The second season allowance of 300 mt becomes available April 1. Effort in shallow-water species fisheries is low. The remaining amount for the first season allowance is 278 mt in the shallow-water complex. In 2008 the deep-water complex closed April 21 and the shallow water complex closed March 10 and reopened for 24 hours on March 21. Both complexes opened on the third season allowance July 1, 2009.

Halibut mortality for the hook-and-line fleet is at 188 mt of the 250 mt first season allowance. In 2008 for the same time period the halibut mortality was 202 mt. In 2008 the hook-and-line fishery closed due to halibut mortality October 16.

Rockfish pilot program (RPP)

License limitation permit holders with rockfish quota share choose to join a cooperative, limited access fishery, or opt-out sectors of the RPP with their catch history. The 2009 participants and allocations are at:
<http://alaskafisheries.noaa.gov/sustainablefisheries/goarat/default.htm>.

Bering Sea Aleutian Islands Catch Report
 (includes CDQ)
 Through: 21-MAR-09

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)	15	412	397	4%	1
	Pacific Ocean Perch (includes CDQ)	24	3,247	3,223	1%	1
	Sablefish (Hook-and-Line and Pot)	0	1,088	1,088	0%	0
	Sablefish CDQ (Hook-and-Line and Pot)	1	272	272	0%	0
	Sablefish (Trawl)	3	1,156	1,153	0%	0
	Sablefish CDQ (Trawl)	0	102	102	0%	0
	Greenland Turbot	12	4,327	4,315	0%	1
	Greenland Turbot CDQ	1	545	544	0%	0
X	Pollock, AFA Inshore	121,958	352,080	230,122	35%	20,445
X	Pollock, AFA Catcher Processor	107,358	281,664	174,306	38%	12,991
X	Pollock, AFA Mothership	27,563	70,416	42,853	39%	378
X	Pollock CDQ	30,307	81,500	51,193	37%	5,327
	Pollock, Incidental Catch, non-Bogoslof (includes CDQ)	7,650	29,340	21,690	26%	276
	Pollock, Incidental Catch, Bogoslof (includes CDQ)	0	50	50	0%	0

**Bering Sea Aleutian Islands Catch Report
(includes CDQ)
Through: 21-MAR-09**

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



Aleutian Islands

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Other Rockfish (includes CDQ)	48	472	424	10%	5
	Pacific Ocean Perch, Eastern	1,432	3,571	2,139	40%	51
	Pacific Ocean Perch, Eastern CDQ	2	449	447	0%	0
	Pacific Ocean Perch, Central	1,484	3,804	2,320	39%	2
	Pacific Ocean Perch, Central CDQ	18	456	438	4%	2
	Pacific Ocean Perch, Western	357	5,822	5,465	6%	0
	Pacific Ocean Perch, Western CDQ	1	698	697	0%	0
	Atka Mackerel, Eastern ICA	8	200	192	4%	0
	Atka Mackerel, Eastern (Jig)	0	120	120	0%	0
X	Atka Mackerel, Eastern (Trawl)	9,743	23,792	14,049	41%	1,107
	Atka Mackerel, Eastern CDQ	66	2,889	2,823	2%	0
X	Atka Mackerel, Central (Trawl)	8,088	29,002	20,914	28%	226
	Atka Mackerel, Central ICA	29	20	-9	143%	2
	Atka Mackerel, Central CDQ	1,111	3,478	2,367	32%	92
X	Atka Mackerel, Western (Trawl)	2,546	15,072	12,526	17%	0
	Atka Mackerel, Western ICA	1	20	19	7%	0
	Atka Mackerel, Western CDQ	13	1,808	1,795	1%	0
	Sablefish (Hook-and-Line and Pot)	2	1,320	1,318	0%	2
	Sablefish CDQ (Hook-and-Line and Pot)	0	330	330	0%	0
	Sablefish (Trawl)	2	468	466	0%	0
	Sablefish CDQ (Trawl)	0	41	41	0%	0
	Greenland Turbot (includes CDQ)	2	1,947	1,945	0%	1
X	Pollock	39	15,500	15,461	0%	0
X	Pollock CDQ	0	1,900	1,900	0%	0
X	Pollock, Incidental Catch (includes CDQ)	451	1,600	1,149	28%	13

Note: All weights are in metric tons.

Bering Sea Aleutian Islands Catch Report
(includes CDQ)
Through: 21-MAR-09

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)	3,094	42,500	39,406	7%	360
	Arrowtooth Flounder	2,490	63,750	61,260	4%	84
	Arrowtooth Flounder CDQ	91	8,025	7,934	1%	6
	Flathead Sole	5,171	53,580	48,409	10%	532
	Flathead Sole CDQ	197	6,420	6,223	3%	43
	Northern Rockfish (includes CDQ)	517	6,086	5,569	8%	26
	Other Flatfish (includes CDQ)	651	14,790	14,139	4%	26
	Other Species (includes CDQ)	12,199	42,500	30,301	29%	406
X	Pacific Cod, Catcher Processor (Amendment 80)	6,073	21,125	15,052	29%	819
X	Pacific Cod, Catcher Processor (AFA)	3,448	3,626	178	95%	120
X	Pacific Cod, Catcher Vessel (Trawl)	24,384	34,841	10,457	70%	3,137
X	Pacific Cod, Catcher Processor (Hook-and-Line)	39,545	76,375	36,830	52%	0
X	Pacific Cod, Catcher Vessel (Hook-and-Line >= 60 ft)	0	314	314	0%	0
X	Pacific Cod, Catcher Processor (Pot)	1,288	2,352	1,064	55%	0
X	Pacific Cod, Catcher Vessel (Pot >= 60 ft)	6,002	13,173	7,171	46%	57
	Pacific Cod (Jig)	0	1,007	1,007	0%	0
	Pacific Cod (Hook-and-Line and Pot < 60 ft)	4,154	4,337	183	96%	39
	Pacific Cod, Incidental Catch (Hook-and-Line and Pot)	0	500	500	0%	0
X	Pacific Cod CDQ	9,243	18,890	9,647	49%	663
	Rock Sole	30,748	80,370	49,622	38%	687
	Rock Sole CDQ	743	9,630	8,887	8%	87
	Rougeye Rockfish (includes CDQ)	40	458	418	9%	0
	Shortraker Rockfish (includes CDQ)	16	329	313	5%	1
	Squid (includes CDQ)	82	1,675	1,593	5%	8
	Yellowfin Sole	17,202	187,530	170,328	9%	5,734
	Yellowfin Sole CDQ	50	22,470	22,420	0%	34
Total:		487,762	1,657,631	1,169,869	29%	53,788

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

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

Other species: sculpins, sharks, skates, and octopus.

For changes to the harvest specifications refer to <http://alaskafisheries.noaa.gov/2009/hschanges.htm>

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

Through: 21-MAR-09

**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	7,706	26,825	19,119	29%	141
	BS Chinook Salmon PSQ	Count	329	2,175	1,846	15%	15
	AI Pollock (Pelagic)	Count	0	647	647	0%	0
	AI Chinook Salmon PSQ	Count	0	53	53	0%	0
Total:			8,035	29,700	21,665	27%	156

Halibut Mortality

Non-Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Halibut Mortality (Non-Trawl)	MT	194	832	638	23%	0
Total:			194	832	638	23%	0

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Halibut Mortality (Trawl)	MT	1,065	3,400	2,335	31%	117
Total:			1,065	3,400	2,335	31%	117

Trawl and Hook-and-Line Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Halibut Mortality PSQ	MT	48	343	295	14%	14
Total:			48	343	295	14%	14

Herring (includes CDQ fisheries)

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Pacific Cod	MT	0	25	25	0%	0
	Rockfish	MT	0	9	9	0%	0
	Rock Sole, Flathead Sole, Other Flatfish	MT	0	25	25	0%	0
	Pollock, Atka Mackerel, Other Species	MT	0	184	184	0%	0
	Pollock Pelagic	MT	0	1,296	1,296	0%	0
	Yellowfin Sole	MT	0	146	146	0%	0
	Greenland Turbot, Arrowtooth, Sablefish	MT	0	12	12	0%	0
Total:			0	1,697	1,697	0%	0

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

Through: 21-MAR-09

**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	8,625	3,884,550	3,875,925	0%	4,311
	Opilio Crab PSQ	Count	139	465,450	465,311	0%	132
Total:			8,764	4,350,000	4,341,236	0%	4,443

Bairdi Crab, Zone 1

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Bairdi Crab	Count	100,888	875,140	774,252	12%	18,290
	Bairdi Crab PSQ	Count	6,492	104,860	98,368	6%	0
Total:			107,380	980,000	872,620	11%	18,290

Bairdi Crab, Zone 2

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Bairdi Crab	Count	40,773	2,652,210	2,611,437	2%	14,652
	Bairdi Crab PSQ	Count	1,140	317,790	316,650	0%	1,076
Total:			41,913	2,970,000	2,928,087	1%	15,728

Red King Crab, Zone 1

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Red King Crab	Count	44,150	175,921	131,771	25%	90
	Red King Crab PSQ	Count	1,962	21,079	19,117	9%	0
Total:			46,112	197,000	150,888	23%	90

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

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.

Bering Sea Aleutian Islands
Seasonal Non-Sideboard Prohibited Species Report
(excludes CDQ fisheries)

Through: 21-MAR-09
Account: ALL

National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting



Halibut Mortality

Pacific Cod (Hook-and-Line)

Season	Begin	End	Units	Total Catch	Limit	Remaining	% Taken
CP - 1st Season	01-JAN-09	10-JUN-09	MT	192	314	122	61%
CV - 1st Season	01-JAN-09	10-JUN-09	MT	2	10	8	19%
CP - 2nd Season	10-JUN-09	15-AUG-09	MT	0	0	0	0%
CV - 2nd Season	10-JUN-09	15-AUG-09	MT	0	3	3	0%
CP - 3rd Season	15-AUG-09	31-DEC-09	MT	0	446	446	0%
CV - 3rd Season	15-AUG-09	31-DEC-09	MT	0	2	2	0%
Total:				193	775	582	25%

Red King Crab, RKCSS

Trawl Gear

Season	Begin	End	Units	Total Catch	Limit	Remaining	% Taken
Rock Sole, Flathead Sole, Other Flatfish (Non Pelagic)	20-JAN-09	31-DEC-09	Count	44,138	49,250	5,112	90%
Total:				44,138	49,250	5,112	90%

RKCSS: Red king crab savings subarea. 50 CFR 679.22(a)(3) and Figure 11.

Gulf of Alaska Catch Report

Through: 21-MAR-09

**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	5,830	15,249	9,419	38%	0
X	Pollock, 620 Chirikof	10,856	14,098	3,242	77%	0
X	Pollock, 630 Kodiak	4,624	11,058	6,434	42%	5

Western Gulf

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Arrowtooth Flounder	302	8,000	7,698	4%	0
	Deep Water Flatfish	0	706	706	0%	0
	Shallow Water Flatfish	36	4,500	4,464	1%	0
	Flathead Sole	69	2,000	1,931	3%	0
	Rex Sole	42	1,007	965	4%	0
	Pacific Ocean Perch	0	3,713	3,713	0%	0
	Rougheye Rockfish	0	125	125	0%	0
	Shortraker Rockfish	0	120	120	0%	0
	Thornyhead Rockfish	2	267	265	1%	0
	Pelagic Shelf Rockfish	4	819	815	1%	0
	Northern Rockfish	2	2,054	2,052	0%	0
	Other Rockfish	3	357	354	1%	0
X	Pacific Cod, Inshore	9,246	14,558	5,312	64%	0
X	Pacific Cod, Offshore	420	1,617	1,197	26%	0
	Sablefish (Hook-and-Line)	8	1,312	1,304	1%	7
	Sablefish (Trawl)	0	324	324	0%	0
	Big Skate	39	632	593	6%	0
	Longnose Skate	28	78	50	36%	0

Gulf of Alaska Catch Report

Through: 21-MAR-09

**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	7,545	30,000	22,455	25%	144
	Deep Water Flatfish	32	6,927	6,895	0%	0
	Shallow Water Flatfish	522	13,000	12,478	4%	165
	Flathead Sole	942	5,000	4,058	19%	44
	Rex Sole	983	6,630	5,647	15%	17
	Pacific Ocean Perch	5	8,246	8,241	0%	0
	Rougheye Rockfish	12	833	821	1%	0
	Shortraker Rockfish	9	315	306	3%	0
	Pelagic Shelf Rockfish	18	3,404	3,386	1%	0
	Northern Rockfish	19	2,308	2,289	1%	0
	Thornyhead Rockfish	5	860	855	1%	0
	Other Rockfish	11	569	558	2%	2
X	Pacific Cod, Inshore	11,778	21,277	9,499	55%	107
X	Pacific Cod, Offshore	1,201	2,364	1,163	51%	0
	Sablefish (Hook-and-Line)	10	3,992	3,982	0%	2
	Sablefish (Trawl)	28	998	970	3%	0
	Big Skate	607	2,065	1,458	29%	16
	Longnose Skate	292	2,041	1,749	14%	6

Eastern Gulf

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Rougheye Rockfish	7	326	319	2%	7
	Shortraker Rockfish	12	463	451	3%	12
	Thornyhead Rockfish	0	783	783	0%	0
	Pacific Cod, Inshore	218	1,792	1,574	12%	56
	Pacific Cod, Offshore	0	199	199	0%	0
	Big Skate	20	633	613	3%	5
	Longnose Skate	18	768	750	2%	6

Gulf of Alaska Catch Report

Through: 21-MAR-09

National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting



West Yakutat

Seasons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Arrowtooth Flounder	2	2,500	2,498	0%	2
	Deep Water Flatfish	0	997	997	0%	0
	Shallow Water Flatfish	0	3,333	3,333	0%	0
	Flathead Sole	0	3,531	3,531	0%	0
	Rex Sole	0	513	513	0%	0
	Pacific Ocean Perch	16	1,108	1,092	1%	16
	Pelagic Shelf Rockfish	0	234	234	0%	0
	Other Rockfish	1	604	603	0%	0
	Pollock	928	1,215	287	76%	928
	Sablefish (Hook-and-Line)	10	1,557	1,547	1%	10
	Sablefish (Trawl)	0	227	227	0%	0

Southeast

Seasons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Arrowtooth Flounder	0	2,500	2,500	0%	0
	Deep Water Flatfish	0	538	538	0%	0
	Shallow Water Flatfish	0	1,423	1,423	0%	0
	Flathead Sole	0	650	650	0%	0
	Rex Sole	0	846	846	0%	0
	Pacific Ocean Perch	0	2,044	2,044	0%	0
	Pelagic Shelf Rockfish	0	324	324	0%	0
	Other Rockfish	0	200	200	0%	0
	Pollock	0	8,280	8,280	0%	0
	Demersal Shelf Rockfish	1	362	361	0%	1
	Sablefish (Hook-and-Line)	49	2,746	2,697	2%	49

Entire Gulf

Seasons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Atka Mackerel	36	2,000	1,964	2%	0
	Other Skates	408	2,104	1,696	19%	2
	Other Species	875	4,500	3,625	19%	34
Total:		58,135	242,723	184,588	24%	1,646

Deep water flatfish: Dover sole, Greenland turbot, and deepsea sole.

Shallow water flatfish: flatfish not including deep water flatfish, flathead sole, rex sole, or arrowtooth flounder.

Gulf of Alaska Prohibited Species Report

Through: 21-MAR-09

**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	25	0			0
Total:			25	0			0

Chinook Salmon

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Chinook Salmon	Count	2,206	0			12
Total:			2,206	0			12

Halibut Mortality

Non-Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
X	Other Hook-and-Line Fisheries	MT	188	290	102	65%	3
Total:			188	290	102	65%	3

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Trawl Fishery	MT	318	2,000	1,682	16%	13
Total:			318	2,000	1,682	16%	13

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. 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: 21-MAR-09

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-09	01-APR-09	145	100	-45	145%
2nd Season	01-APR-09	01-JUL-09	0	300	300	0%
3rd Season	01-JUL-09	01-SEP-09	0	400	400	0%
4th Season	01-SEP-09	01-OCT-09	0	0	0	0%
Total:			145	800	655	18%

Shallow Water Species Complex

Season	Begin	End	Total Catch	Limit	Limit Remaining	% Taken
1st Season	20-JAN-09	01-APR-09	172	450	278	38%
2nd Season	01-APR-09	01-JUL-09	0	100	100	0%
3rd Season	01-JUL-09	01-SEP-09	0	200	200	0%
4th Season	01-SEP-09	01-OCT-09	0	150	150	0%
Total:			172	900	728	19%

Year-To-Date

Account	Total Catch	Limit	Limit Remaining	% Taken	Last Wk Catch
Trawl Fishery	318	2,000	1,682	16%	13

Other Hook-and-Line Fisheries

Season	Begin	End	Total Catch	Limit	Limit Remaining	% Taken
1st Season	01-JAN-09	10-JUN-09	188	250	62	75%
2nd Season	10-JUN-09	01-SEP-09	0	5	5	0%
3rd Season	01-SEP-09	31-DEC-09	0	35	35	0%
			188	290	102	65%

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. Southeast District is not listed due to insufficient observer coverage.

AGENDA B-2
APRIL 2009

Public comments received on the proposed rule to revise the MRA accounting period for selected groundfish species, harvested by non-AFA trawl catcher/processors (74 FR 7209; February 13, 2009).



March 11, 2009

Ms. Sue Salvesson, Assistant Regional Administrator
National Marine Fisheries Service
Sustainable Fisheries Division, Alaska Region
Attn: Ellen Sebastian
P.O. Box 21688
Juneau, Alaska 99802

VIA ELECTRONIC MAIL

Re: RIN 0648-AV32 – MRA Adjustments for Non-AFA Trawl Catcher Processors

Dear Ms. Salvesson:

These comments are submitted pursuant to the *Proposed Rule/Request for Comments* published at 74 FR 7290 (Friday February 13, 2009) regarding the proposed adjustments to the Maximum Retainable Amounts (MRA) for Non-AFA trawl catcher processors in the Bering Sea and Aleutian Islands management areas. United States Seafoods, LLC (USS) manages four Non-AFA Trawl catcher processors (three of which are considered small) and our operations will be affected by this package, our comments are as follows:

1. This package does not benefit the Non-AFA CP Sector and is not necessary: USS is appreciative that the North Pacific Fishery Management Council (NPFMC) and National Marine Fisheries Service (NMFS) developed this package at the request of the Non-AFA Trawl Catcher Processor Sector to: (i) reduce bycatch, (ii) make MRA regulations more flexible, and (iii) allow sector participants to more easily cope with the Groundfish Retention Standard (GRS) provided for under Amendment 79 (A79) in the event that Amendment 80 (A80) was delayed. However, given the current management regime we question whether this package as proposed provides much benefit to the sector or accomplishes its original objectives, and respectfully ask that it not be implemented as proposed.

In our opinion, A80 obviates the need for this package because this package only provides a regulatory benefit when a species is under MRA management, and under A80 cooperative management the majority of the species covered by the proposed regulation are simply not

subject to directed fishing closures that implicate MRA management. Because of this, the changes to MRA management proposed here will have little positive effect for the Non-AFA CP sector. For example in 2008 yellowfin sole, flathead sole, rock sole, and Arrowtooth flounder were not subject to any directed fishing closures after they opened to directed fishing by regulation for the A80 cooperative fishery. Likewise for the A80 limited access fishery the species covered by this package (with the exception of Pacific cod) were subject to very limited directed fishing prohibitions in 2008. While BSAI Pacific cod, and Atka mackerel were subject to some very limited regulatory closures, the limited benefits provided by the more flexible management of those species is more than off-set by the negative impacts associated with the proposed addition to the definition of a fishing trip. Therefore, to the extent that this package provides any benefit to the sector, it is only for a very few species during very limited periods of time, and again in our opinion that limited benefit is outweighed by the more restrictive elements of this package, implicating E.O. 12866 in the process.

As with A80, the effect of the GRS on fleet behavior makes this package less beneficial to the sector. The GRS counts the discards of groundfish which are on bycatch status against a vessel's GRS performance, providing a strong incentive for vessels to avoid volumes of groundfish that are on bycatch status. The incentive to avoid groundfish on bycatch status will increase as the GRS increases up to 80 and 85% in 2010 and 2011. In our view, the practical effect of the GRS by itself will cause vessels to avoid the "on-bycatch" species that are governed by this regulation, thereby making this package unnecessary.

2. The Proposed addition to the Trip Definition is problematic, runs counter to the intent of this package, and should not be implemented: Our principal issue with this package is the proposed addition to the trip definition, which would trigger a new trip when: *"the vessel enters or leaves a Steller Sea Lion protection area described at § 679.22(a)(7)(i), (a)(7)(v), (a)(7)(vi), (a)(8)(iv), and (a)(8)(v)...."* (74 FR 7214 Friday February 13, 2009) (the *"enters or leaves a SSL area standard"*). This proposal represents a significant change to the MRA and Steller Sea Lion (SSL) regulations, prohibits current harvesting practices, and could lead to more regulatory discards. The potential that this package could increase regulatory discards runs counter to the problem statement, intent of the package, and National Standard 9.

We greatly prefer the status quo trip definitions, in particular the provision which triggers a new trip when the vessel enters or leaves an area with a *"different directed fishing standard."* In SSL areas this *"different directed fishing standard"* will be supplanted in many instances by the more restrictive *"enters or leaves a SSL area standard"* proposed here. The status quo *"different directed fishing standard"* is preferable to the proposed *"enters or leaves a SSL area standard"* because it is simpler and will allow Non-AFA CPs to retain groundfish at certain times of the year which would be prohibited under the the proposed regulation.

As noted the proposed *"enters or leaves a SSL area standard"* is problematic because it will prohibit historic harvesting practices for SSL species and will increase the likelihood of regulatory discards. Also troubling is the fact that because the proposed *"enters or leaves a*

SSL area standard” starts a new trip when a vessel enters or leaves a SSL area, regardless of the intended fishery, this new trip trigger will prohibit historic harvesting practices for non-SSL species too. We know of a number of non SSL species fisheries that will be negatively impacted by this new “*enters or leaves a SSL area*” trip definition. The analysis and administrative record simply did not adequately consider the effect of this new rule on fisheries for non-SSL species and the negative impacts on the Non-AFA CP Sector. As such the proposed “*enters or leaves a SSL area*” trip trigger should be disapproved.

Adding the proposed “*enters or leaves a SSL area*” trip definition also raises a number of reporting, recordkeeping, and enforcement issues which individually and together make this package “impracticable.” The number of “trips” made by A80 vessels is likely to increase by a great number under the proposed rule, without providing any real management benefit. Simply stated, the number of “trips” decreases the amount of basis species available, and increases the potential for regulatory discards. Further, by creating up to six different sets of rules for different species groups (including: Pollock, A80 species, Other flatfish/arrowtooth, Table 11 species except as noted, P. cod/Atka mackerel outside SSL areas, and P. cod/Atka Mackerel inside SSL areas. Not to mention CDQ, mother-ship operations, and GOA activity), this rule makes an already overly complicated MRA management regime more confusing and more difficult to enforce. The A80 sector is arguably subject to the greatest degree of management in the North Pacific (possibly the nation) and the added complexity proposed by this package moves things in entirely the wrong direction implicating the MSA and other applicable law.

We agree whole-heartedly with the agency that developing and implementing SSL protective fishery management measures is an important objective. However, we question whether this bycatch reduction package is the best vehicle to address the SSL concerns raised in the proposed rule, and believe that the new trip definition as proposed might best be considered and analyzed alongside the best available SSL information and other SSL measures as part of the SSL committee process. Therefore, we’d ask that in the event that this package does move forward the agency considers delaying the implementation of the new “*enters or leaves a SSL area*” trip definition (or the entire package if the package cannot be bifurcated) to allow its proper consideration as part of the SSL process.

3. Including EBS Mackerel in the new trip definition is problematic: We prefer the NPFMC’s original version of this package where EBS Atka Mackerel was not subject to the new “*enters or leaves a SSL area*” trip definition. Notwithstanding the NPFMC’s addition of EBS Atka mackerel at the special SSL meeting to the new trip definition, excluding EBS Atka mackerel from the new trip definition was clearly contemplated by the AP and NPFMC at the time of final action. It’s important to recognize that the sector’s support for this package was predicated on this earlier version of the MRA adjustment package, and those affected by this package may not, and in fact do not, support the version of the package as reflected in this proposed rule.

While the agency has gone to some effort to build a record for making EBS Atka mackerel subject to the new trip trigger definition we question whether the NPFMC or the affected public were fully aware of the implications of the changes that were made at the August

NPFMC meeting. Based on our conversation with other members of the Non-AFA CP sector it appears that members of the sector were not fully aware that the package was changing as much as it was, or was likely to impact them as much as this package will. Making EBS Atka mackerel subject to the new "enters or leaves a SSL area" trip will prohibit the traditional EBS mackerel fishery at great cost to the Non-AFA trawl CP sector. At the very least, when issues began to be raised regarding this package the sector should have been afforded another opportunity to get their support, or lack thereof, on the record. In the event that this package does move forward, we ask that the agency consider an EBS Atka Mackerel exclusion to the new "enters or leaves a SSL area" trip definition between 167.00 and 165.00 West so that the historic EBS mackerel fishery is held harmless.

4. Off-load to Offload MRA management is preferable to managing MRAs on a Trip basis: In our opinion Off-load to Off-load MRA management, as Pollock is presently managed for the Non-AFA CP sector, is vastly superior to Trip MRA management. Switching Pollock MRA accounting to Off-load to Off-load was simple and resulted in a dramatic decrease in Pollock discards by the Non-AFA CP sector. And, the sector's original support for a larger MRA adjustment package was based on the understanding and belief that other species would also be managed on an Off-load to Off-load basis. In our opinion the NPFMC selected the wrong alternative when it recommended trip MRA management.

In conclusion, while USS appreciates this attempt at reforming MRA management we feel that this package would not provide any benefit to the Non-AFA CP sector and in fact will have a significant negative impact on it. Therefore, we respectfully ask that you consider the recommendations contained herein. Thank you for the opportunity to submit these comments.

Sincerely yours,



David S. Wood
Counsel
United States Seafoods, LLC

Groundfish Forum

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Seattle, WA 98199
(206) 213-5270 Fax (206) 213-5272
www.groundfishforum.org

March 11, 2009

Sue Salvesson
Assistant Regional Administrator
Sustainable Fisheries Division
Alaska Region, NMFS

Attn: Ellen Sebastian

Re: Proposed rule to change MRA accounting period for non-AFA trawl CPs (74FR 7209, February 13, 2009)

Dear Ms. Salvesson,

I am writing you on behalf of Groundfish Forum, which represents 13 non-American Fisheries Act trawl catcher-processors operating in the Bering Sea, Aleutian Islands, and Gulf of Alaska. Our members were among those who requested the change to the maximum retainable amount (MRA) reporting period which is proposed at 74 FR 7209 (February 13, 2009). Circumstances in our sector have changed significantly since that time, and we believe that this action is no longer necessary or beneficial. We recommend that NMFS take no further action on the proposed rule.

When this action was originally proposed in 2005, our sector was facing a new 'groundfish retention standard' (GRS) imposed by Amendment 79 to the Bering Sea/Aleutian Islands FMP. While the Council was working on a rationalization program for the non-AFA trawl CP sector, it was a very slow-moving process and we had no confidence that it would be in place in time to help us meet the standard. It was also unclear what form the rationalization plan would take, and whether it would really be helpful. We were looking for any action that would help us meet the strict GRS.

In 2006, the Council approved Amendment 80 (rationalization of the non-AFA trawl CP sector), which was implemented in 2008. Under this program, our vessels have the ability to coop and combine allocations for both target and prohibited species. Whereas in the past our target fisheries were frequently closed to directed fishing (resulting in MRA retention restrictions), they are now open all year as long as the cooperative has sufficient PSC to continue fishing. Further, species which were on MRA status because no PSC was assigned to the fishery (such as arrowtooth flounder) are now available to target for at least part of the year. In short, cooperative management has provided the sector with much better tools to increase retention, and has reduced the species and seasons which are subject to MRA management. The proposed change would provide little if any additional benefit.

Additionally, we note that the Proposed Rule includes language which would change the definition of a fishing trip, such that entering or leaving a sea lion protection area would trigger the start of a new trip. The supporting language explains that this is intended to provide greater protection for Steller sea lions. While this is a worthwhile goal, it is out of place in an action which was intended to address increased

retention. The proposed action is not responsive to the problem statement, nor is it a logical outgrowth of the original intent of the overall action.

We understand that the Agency is in the process of developing a new Biological Opinion for Steller sea lions, and believe that it is the venue under which protection measures should be addressed. Our sector has submitted Steller sea lion mitigation proposals to the Council's sea lion mitigation committee, some of which could be precluded by a change in the trip definition. At the very least, the new definition could make mitigation proposals much more complex, regardless of the potential benefit to the sea lion population. We believe that the concern about trip definitions should be dealt with in the sea lion mitigation process, where tradeoffs can be weighed against each other in a comprehensive analysis.


The EA/RIR/IRFA for the MRA accounting change makes much the same recommendation on page 70:

"The Alaska groundfish fisheries are currently undergoing an ESA section 7 formal consultation...(which) includes an analysis of the latest information regarding Steller sea lions and the effects of fisheries on this species and its critical habitat. The resulting new biological opinion would provide information that could be used to more fully inform the decision making for this proposed action for Pacific cod and Atka mackerel."¹

In summary, we recommend that the Agency take no further action on this proposed rule, as it will provide little additional benefit to our sector now that Amendment 80 has been implemented. Should you decide to proceed with the action, we strongly recommend removing the section which would add a new definition for the start/end of a fishing trip. This section is clearly intended to address sea lion protection concerns, a valid issue but not responsive to the problem statement. Sea lion protection measures are scheduled for action later this year, which would be the appropriate time to revisit this issue.

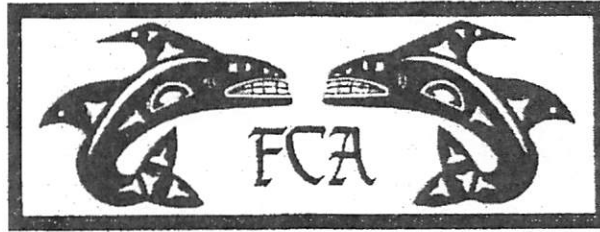
Thank you for the opportunity to comment.

Sincerely,



Lori Swanson
Executive Director

¹ EA/RIR/IRFA for Modifying the Maximum Retainable Amounts for Selected Groundfish Species for the Non-American Fishing Act Trawl Catcher Processor Sector, November 2, 2006



March 15, 2009

Ms. Sue Salveson
Assistant Regional Administrator
Sustainable Fisheries Division, Alaska Region
National Marine Fisheries Service

Attn: Ellen Sebastian, Ref. RIN 0648- AV32

Delivered via Facsimile: (907) 586-7557 and emailed

The following comments are hereby submitted on behalf of The Fishing Company of Alaska, Inc. ("FCA") in response to proposed rule changes published on February 13, 2009 that would change the time at which the amount of retained Groundfish must be calculated to comply with the maximum retainable amounts (MRAs) of selected Groundfish species caught by trawl catcher processors (CPs) that are non-American Fisheries Act (AFA) vessels.

FCA has a long history of fishing in this sector. Not only are we the largest single owner company in this sector, but we harvest approximately 38% of the fish within the sector that these regulations are intended to benefit.

The proposed action states that the rule is necessary to provide the non-AFA CPs the opportunity to reduce discards and increase retention of the target species. Further it states that the rule is intended to promote the goals and objectives of the FMP for Groundfish of the BSAI area.

Comment #1:

We feel the proposed rule may have been necessary at one time, perhaps prior to the implementation of Amendment 80 to the FMP, but at this time we feel the regulation is not needed nor would it benefit in either reducing discards or increasing retention of any targeted species. Simply put the retention and discard changes brought about by both Amendment 79 and 80 have met and exceed the objectives sought by this proposed rule.

The Fishing Company of Alaska, Inc.
200 WEST THOMAS, SUITE 440 • SEATTLE, WASHINGTON 98119

Ms. Sue Salvesson
Page Two

Comment #2:
Definitions Sec. 679.2 (ii) (B)

The proposal to amend the definition of a fishing trip and to retain the current MRA accounting interval for Atka Mackerel and Pacific Cod in Steller sea lion protection areas is confusing and convoluted to say the least.

When a vessel has been fishing and is now only processing, it may need to transit through or across a Steller sea lion protection area on its way to another fishing spot. Under this proposed definition it makes no sense to start a new fishing trip when simply transiting through the Steller sea lion area. It would defeat the purpose the rule was intended to promote.

In conclusion, we respectfully request you consider abandoning these regulations as proposed because they are not needed.

Sincerely,



Mike Szymanski
Government Affairs

Submitter Information

Name: american citizen

Address:

n/a

na, NJ, 00000

Email: na

Phone: 000-000-0000

Submitter's Representative: american citizens

Organization: american citizens

General Comment

there should be no fishing allowed in this area. this agency allows all marine mammals to starve so that commercial fishing profiteers can make a million dollars in a couple of days at sea. this agency has presided over the complete collapse of virtually all fish species, one by one they are vanishing because this agency is owned, and in the pocket of commercial fish profiteers. the interests of the general public are completely ignored.

Submitter Information

Name: Andrew Malavansky

Address:

10085 William Jones Circle #2
Anchorage, AK, 99515

Organization: Private

General Comment

I would like to know how the Pribilof Habitat Protection Zone plays into your planning process? Has your organization studied the efficacy of the Pribilof Habitat Protection Zone since it's inception and also how will your current planning affect it and the surrounding environment and based upon what measurement? I look forward to your response, thank you for your time.
Andrew