



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

AGENDA B-2
Supplemental
JUNE 2010

June 3, 2010

Mr. Eric Olson, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501-2252

Dear Eric,

We would like to consult with the North Pacific Fishery Management Council (Council) on the revisions to the proposed rule to implement Amendment 91 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP). NMFS published a proposed rule to implement Amendment 91 in the *Federal Register* on March 23, 2010 (75 FR 14016), with a comment period that ended on May 7, 2010. We received 71 comments on Amendment 91 and the proposed rule. All comments received will be summarized and responded to in the preamble of the final rule, which we intend to publish at the end of August 2010. The Secretary of Commerce approved Amendment 91 on May 14, 2010.

Section 304(b)(3) requires the National Marine Fisheries Service (NMFS) to consult with the Council before making any revisions to proposed regulations and to publish in the *Federal Register* an explanation of any differences between proposed and final regulations. In this letter, we provide a summary of and rationale for the substantive changes we propose for the final rule. In light of the complicated nature of the regulations, we have enclosed a draft copy of the final rule for Council review that shows the potential revisions from the proposed rule. We are proposing these changes to improve the implementing regulations and respond to public comments.

Recordkeeping and reporting

We propose changing § 679.5 to modify the time limit for operators of catcher/processors, catcher vessels delivering to motherships, and motherships to record the CDQ group number in the paper or electronic logbooks to within 2 hours after completion of weighing on the scale all catch in the haul (*see pages 3, 4, and 5 of the enclosed draft final rule*). NMFS is preparing a separate proposed rule to revise and standardize reporting time limits in § 679.5 to address the time limit for recording scale weights of each haul and other required information because these requirements affect more than the vessels regulated under Amendment 91. These additional revisions are expected to be effective by January 1, 2011.

Bering Sea pollock offload requirements

We propose modifying the final rule to (1) allow a catcher vessel to begin a new trip before the salmon-census and-sampling are complete from the vessel's prior trip and (2) clarify that a shoreside or stationary processor must give the observer the opportunity to complete the count of salmon and the collection of biological samples before sorting a new pollock offload. In 2011,



our observer sampling policy and observer duties for the Bering Sea pollock fishery will be modified for monitoring offloads at shoreside processors and stationary floating processors. The plant observer on duty will be tasked with monitoring each offload for proper salmon sorting, verifying the count of salmon, and collecting biological samples and scientific data. Catcher vessel observers may assist the plant observer. We propose the following changes to the proposed rule:

- revise the prohibition at § 679.7(d)(8)(ii)(C)(6) to clarify that a shoreside or stationary floating processor cannot begin sorting a pollock community development quota (CDQ) offload before the observer has completed the count of salmon and the collection of scientific data or biological samples (*see page 7*);
- revise § 679.7(k)(8)(iii) to prohibit shoreside processors and stationary floating processors from sorting the next pollock offload until the observer has completed duties related to a previous pollock offload (*see page 7*);
- remove the restriction at § 679.21(c)(2)(ii)(C) on a catcher vessel's ability to begin a new trip (*see page 9*); and
- add § 679.21(c)(2)(iii)(F) to prevent a shoreside or stationary floating processor from beginning the next pollock offload until the observer has notified the plant operator that opportunity has been provided to complete the count of salmon and collect scientific data or biological samples from the previous pollock offload (*see page 9*).

Catch Monitoring and Control Plan (CMCP) requirements

We propose to revise the final rule to clarify that, at any point during the offload, if salmon are too numerous to be contained in the salmon storage container, the sorting of the offload must cease and the observer must be allowed to count all the salmon and collect scientific data and biological samples in the observer work station. Once these duties have been completed, the salmon may be removed in the presence of the observer and the sorting of the offload may continue. We propose the following changes to the proposed rule to give processors more flexibility to achieve the goals of allowing an observer to monitor all the sorting of salmon as well as verifying the count of the salmon:

- revise regulations at § 679.21(c)(2)(iii)(C), (D), and (E) by removing the requirement to store and count salmon in the observation area and, instead, require salmon to be stored in a salmon storage container (*see page 9*);
- add a requirement at § 679.28(g)(7)(vi)(C) that the observation area must provide a clear, unobstructed view of the salmon storage container to ensure no salmon of any species are removed without the observer's knowledge (*see page 26*);
- revise regulations at § 679.28(g)(7)(vii) to allow the observation area and the observer work station to be located in separate locations while also requiring the observer work station be adjacent to the location where the observer counts all salmon and collects scientific data or biological information (*see page 26 and 27*); and
- revise regulations at § 679.28(g)(7)(x)(F) to clarify that the CMCP requirement to include the location of the salmon storage container is only for shoreside or stationary floating processors taking deliveries of Bering Sea pollock (*see page 27*).

Aleutian Islands (AI) Chinook salmon allocation for the CDQ Program

We propose correcting the proposed rule to retain allocations of the trawl gear prohibited species catch (PSC) limits to the CDQ Program as a prohibited species quota reserve. The proposed rule, at § 679.21(e)(3)(i)(A)(3)(i), inadvertently eliminated the 7.5 percent apportionment of the PSC limit for AI Chinook salmon set forth in paragraph (e)(1)(viii) of this section (*see page 10*). This correction is necessary to ensure that CDQ participants will be subject to the AI salmon area closure based on the PSC limit established for the CDQ sector by Amendment 82 to the FMP (70 FR 9856, March 1, 2005).

CDQ group participation in an incentive plan agreement (IPA)

We propose adding an additional requirement to clarify a CDQ group's participation in one or more approved IPAs. To implement the Council's intent and to address a comment submitted by five of the six CDQ groups, an additional requirement is added in the final rule at § 679.21(f)(4)(i) that states that, for a CDQ group to participate in an IPA, each vessel harvesting pollock CDQ on behalf of that CDQ group must be listed in an approved IPA in which the CDQ group also is a participant (*see page 13*).

Adjustments to the annual threshold

We request Council input on the appropriate method for calculating the annual threshold amount to best meet the intent for the performance standard. In the proposed rule, if a vessel opts out of an IPA, NMFS will subtract an amount equal to that vessel's portion of 28,496 Chinook salmon from that sector's allocation under the 60,000 Chinook salmon PSC limit. At the same time, at § 679.21(f)(6)(ii), NMFS will subtract an amount equal to that opt-out vessel's portion of 47,591 Chinook salmon from that sector's annual threshold amount under the performance standard (*see page 15*).

Public comments expressed that this proposed adjustment method will unnecessarily restrict fishing opportunities for vessels that choose to become members of an IPA. Public comments recommend that the final rule accommodate the vessels that join an IPA by subtracting the lower amount from the sector's annual threshold amount, i.e. subtracting the non-IPA vessels' opt-out allocation from the annual threshold amount. The current approach contained in the proposed rule would result in greater salmon savings. Neither approach, however, would exceed the 47,591 Chinook salmon performance standard.

Entities for the catcher/processor and mothership sectors

We propose modifying the final rule at § 679.21(f)(8)(i)(C) and (D) to clarify that (1) NMFS will authorize only one entity to represent the catcher/processor sector and only one entity to represent mothership sector, and (2) under the 60,000 Chinook salmon PSC limit, the entity for each sector has to represent all IPA participating vessel owners in that sector (*see page 16*). Vessel owners that opt-out on an IPA are not eligible to participate in the sector entity. The requirement that the catcher/processor sector and mothership sector entities must represent all of the eligible vessel owners in each sector to receive a transferable PSC allocation was explained in the Environmental Impact Statement and is a result of the Council motion that allows NMFS to

make a single allocation to the catcher/processor sector and the mothership sector. The entity must represent all of the eligible vessel owners because the allocation is for use by all eligible members of the sector and the entity is responsible for managing the use of the allocation by all eligible members.

Joint and several liability

We propose removing the paragraphs, at § 679.21(f)(8)(iii)(A)(1), (2), and (3), that provide for joint and several liability for cooperatives and the entities representing the catcher/processor sector and mothership sector (*see page 17*). These paragraphs are unnecessary because NOAA has independent authority to exercise its discretion to impose joint liability if the evidence supports doing so.

Entity representatives signing IPAs

We propose changing the regulations at § 679.21(f)(8)(iii)(B) to clarify that an entity representative may sign more than one IPA on behalf of the vessel owners participating in that IPA (*see page 18*). Note that we have reorganized § 679.21(f)(8)(iii) as a result of removing the provisions for joint and several liability.

Post-delivery transfers

We propose changing the regulations at § 679.21(f)(9)(ii) to clarify that a vessel is prohibited from fishing for an entity that has exceeded its Chinook salmon PSC allocation (*see page 18*). The Council motion states that any recipient of a post delivery transfer during a season may not fish for the remainder of that season. The recipient of a post delivery transfer is the entity, not a vessel. The prohibitions at § 679.7(d)(8)(ii)(C)(2) and (k)(8)(iv)(B) accurately reflect this.

IPA minimum participation requirements

We propose to modify the minimum participation requirement for an IPA at § 679.21(f)(12)(i)(A) to clarify that parties to an IPA must collectively represent at least 9 percent of the Bering Sea pollock (*see page 19 and 20*).

Description of the IPA

We propose changing the IPA requirement at § 679.21(f)(12)(iii)(B)(3)(i) to better reflect the Council motion which says that an IPA must describe incentives for each vessel to avoid Chinook salmon bycatch under any condition of pollock and Chinook salmon abundance in all years (*see page 20*).

IPA deadlines

We propose changing the deadline at § 679.21(f)(12)(v)(C)(2) for amendments to the IPA list of participants from November 1 to December 1 to provide vessel owners more time to join an IPA (*see page 21*). Note that we made additional changes to clarify the regulatory language for an amendment to an IPA at § 679.21(f)(12)(v)(C).

Non-Chinook salmon

We propose deleting the last sentence in § 679.21(g)(2)(iii)(E) which states that "Bycatch rates for Chinook salmon must be calculated separately from non-Chinook salmon, and cooperatives must be assigned to tiers based on non-Chinook salmon bycatch" (*see page 24*). This requirement was added in the proposed rule in an attempt to clarify how the intercooperative agreement would operate with the removal of regulations related to Chinook salmon. However, the intent of the regulations in this paragraph is clear without this additional sentence.

Electronic monitoring

We propose to revise § 679.28(j)(1)(ix) to eliminate the requirement to display the "activities within the tank" and clarify that the purpose of the 16-bit monitor is to enable the observer to view any area where crew could sort salmon and the salmon contained in the storage container (*see page 28*). And, for clarity and consistency, we propose to revise § 679.28(j)(1)(viii) to allow NMFS staff or other authorized personnel, including observers, the ability to view any video footage from earlier in the trip (*see page 28*).

American Fisheries Act (AFA) preliminary report


We propose to retain the requirement for a preliminary AFA cooperative report at § 679.61(f)(1) (*see page 29*). The final rule still changes the submission deadline for the final annual AFA cooperative report from February 1 to April 1 to coincide with the deadlines for a new Chinook salmon IPA annual report and the non-Chinook salmon intercooperative agreement annual report. At its June 2010 meeting, the Council will consider a separate proposed rule to remove the regulations requiring a preliminary AFA report.

Table 47c

We propose modifying the percent of the inshore sector's pollock allocation in column D of Table 47c to include four decimal places (*see pages 38-42*).

I appreciate the opportunity to consult with the Council on our proposed changes to the final rule to implement Amendment 91.

Sincerely,


for James W. Balsiger, Ph.D.
Administrator, Alaska Region

Enclosure: a draft copy of the final rule to implement Amendment 91 that shows the proposed revisions.

For the reasons set out in the preamble, NMFS amends 15 CFR Chapter IX and 50 CFR Chapter VI as follows:

TITLE 15—COMMERCE AND FOREIGN TRADE

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION,
DEPARTMENT OF COMMERCE

PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE
PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS

1. The authority citation for part 902 continues to read as follows:

Authority: 44 U.S.C. 3501 et seq.

2. In § 902.1, in the table in paragraph (b), under the entry “50 CFR”,

A. Remove entries for “679.28(b), (c), (d), and (e)” and “679.28(g)”; and

B. Add entries in alphanumeric order for “679.21(f) and (g)”; and “679.28(b), (c), (d), (e), (g), and (j)”.

The additions read as follows:

§ 902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(b) ***

<u>CFR part or section where the information collection requirement is located</u>	<u>Current OMB control number (all numbers begin with 0648-)</u>

<u>50 CFR</u>	

<u>679.21(f) and (g)</u>	<u>-0393 and -0401</u>

<u>679.28(b), (c), (d), (e), (g), and (j)</u>	<u>-0330</u>

TITLE 50—WILDLIFE AND FISHERIES

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL
OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

3. The authority citation for part 679 continues to read as follows:

For the reasons set out in the preamble, 50 CFR part 679 is proposed to be amended as follows:

~~PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA~~

1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 et seq.; 1801 et seq.; 3631 et seq.; Pub. L. 108-447.

42. In § 679.2,

A. Remove the definitions for “Bycatch rate”, “Chinook Salmon Savings Area of the BSAI”, “Fishing month”, “Observed or observed data”, and “Salmon bycatch reduction intercooperative agreement (ICA)”;

B. In the definition for “Fishing trip” revise paragraph (1) introductory text, paragraph (1)(i) introductory text, and paragraph (1)(ii), and add new paragraph (6);

C. Add new definitions for “Agent for service of process”, “Chinook salmon bycatch incentive plan agreement (IPA)”, “Non-Chinook salmon bycatch reduction intercooperative agreement (ICA)”, and “Observed”.

The addition and revisions read as follows:

§ 679.2 Definitions.

Agent for service of process means, for purposes of § 679.21(f), a person appointed by the members of an AFA inshore cooperative, a CDQ group, or an entity representing the AFA catcher/processor sector or the AFA mothership sector, who is authorized to receive and respond to any legal process issued in the United States with respect to all owners and operators of vessels that are members of the inshore cooperative, the entity representing the catcher/processor sector, the entity representing the mothership sector, or the entity representing the cooperative or a CDQ group and owners of all vessels directed fishing for pollock CDQ on behalf of that CDQ group.

Chinook salmon bycatch incentive plan agreement (IPA) is a voluntary private contract, approved by NMFS under § 679.21(f)(12), that establishes incentives for participants to avoid Chinook salmon bycatch while directed fishing for pollock in the Bering Sea subarea.

Fishing trip means:

(1) Retention requirements (MRA, IR/IU, and pollock roe stripping) and R&R requirements under § 679.5.

(i) Catcher/processors and motherships. An operator of a catcher/processor or mothership processor vessel is engaged in a fishing trip from the time the harvesting, receiving, or processing of groundfish is begun or resumed in an area until any of the following events occur:

(ii) Catcher vessels. An operator of a catcher vessel is engaged in a fishing trip from the time the harvesting of groundfish is begun until the offload or transfer of all fish or fish product from that vessel.

(6) For purposes of § 679.7(d)(9) for CDQ groups and § 679.7(k)(8)(ii) for AFA entities, the period beginning when a vessel operator commences harvesting any pollock that will accrue against a directed fishing allowance for pollock in the BS or against a pollock CDQ allocation harvested in the BS and ending when the vessel operator offloads or transfers any processed or unprocessed pollock from that vessel.

Non-Chinook salmon bycatch reduction intercooperative agreement (ICA) is a voluntary non-Chinook salmon bycatch avoidance agreement, as described at § 679.21(g) and approved by NMFS, for directed pollock fisheries in the Bering Sea subarea.

Observed means observed by one or more observers (see subpart E of this part).

53. In § 679.5,

A. Revise paragraphs (c)(4)(i)(B), (c)(4)(ii)(A)(1), (c)(6)(ii)(A), (e)(10)(iii)(M), (f)(1), (f)(1)(iv), (f)(2)(iii)(B)(1), (f)(7) introductory text, and paragraph (f)(7)(i); and

B. Add paragraph (f)(1)(vii).

The revisions and additions read as follows:

§ 679.5 Recordkeeping and reporting (R&R).

- (c) ***
- (4) ***
- (i) ***

(B) Except as described in paragraph (f)(1)(iv) or (vii) of this section, the operator of a catcher/processor that is required to have an FFP under § 679.4(b) and that is using trawl gear to harvest groundfish is required to use a combination of catcher/processor trawl gear DCPL and eLandings to record and report daily processor identification information, catch-by-haul landings information, groundfish production data, and groundfish and prohibited species discard or disposition data. Under paragraph (f)(1)(vii) of this section the operators of AFA catcher/processors or any catcher/processor harvesting pollock CDQ are required to use an ELB and no longer report using a DCPL.

- (ii) ***
- (A) ***

<u>DATA ENTRY TIME LIMITS, CATCHER VESSEL TRAWL GEAR</u>	
<u>Required Information</u>	<u>Time limit for recording</u>
<u>(1) Haul number, time and date gear set, time and date gear hauled, beginning and end positions, CDQ group number (if applicable), total estimated haul weight for each haul</u>	<u>Within 2 hours after completion of gear retrieval, except that catcher vessels harvesting pollock CDQ in the BS and delivering unsorted codends to a mothership must record CDQ group number within 2 hours after completion of weighing all catch in the haul on the mothership.</u>

- *****
- (6) ***
- (ii) ***

<u>DATA ENTRY TIME LIMITS, MOTHERSHIP</u>			
<u>Required Information</u>	<u>Record In</u>		<u>Time limit for recording</u>
	<u>DCPL</u>	<u>eLandings</u>	
<u>(A) All catcher vessel or buying station delivery information</u>	<u>X</u>	<u>X</u>	<u>Within 2 hours after completion of receipt of each groundfish delivery, except that the CDQ group number for catcher vessels harvesting pollock CDQ in the BS and delivering unsorted codends to a mothership must be recorded within 2 hours after completion of weighing all catch in the haul on the mothership.</u>

(e) ***

(10) ***

(iii) ***

(M) PSC numbers--(1) Non-AFA catcher/processors and all motherships. Daily number of PSC animals (Pacific salmon, steelhead trout, Pacific halibut, king crabs, and Tanner crabs) by species codes and discard and disposition codes.

(2) AFA and CDQ catcher/processors. The operator of an AFA catcher/processor or any catcher/processor harvesting pollock CDQ must enter daily the number of non-salmon PSC animals (Pacific halibut, king crabs, and Tanner crabs) by species codes and discard and disposition codes. Salmon PSC animals are entered into the electronic logbook as described in paragraphs (f)(1)(iv) and (v) of this section.

(f) ***

(1) Responsibility. The operator of a vessel voluntarily using an ELB must notify the Regional Administrator by fax at 907-586-7465 to notify NMFS that the operator is using a NMFS-approved ELB instead of a DFL or DCPL, prior to participating in any Federal fishery.

(iv) Catcher/processor trawl gear ELB. Except as described in paragraph (f)(1)(vii) of this section, the operator of a catcher/processor using trawl gear may use a combination of a NMFS-approved catcher/processor trawl gear ELB and eLandings to record and report groundfish information. In the ELB, the operator may enter daily processor identification information and catch-by-haul information. In eLandings, the operator must enter daily processor identification, groundfish production data, and groundfish and prohibited species discard or disposition data.

(vii) AFA and CDQ trawl catcher/processors. The operator of an AFA catcher/processor or any catcher/processor harvesting pollock CDQ must use a combination of NMFS-approved catcher/processor trawl gear ELB and eLandings to record and report groundfish and PSC information. In the ELB, the operator must enter processor identification information, catch-by-haul information, and prohibited species discard or disposition data for all salmon species in each haul. In eLandings, the operator must enter daily processor identification, groundfish production data, and groundfish and daily prohibited species discard or disposition data for all prohibited species except salmon.

(2) ***

(iii) ***

(B) ***

(1) Recording time limits. Record the haul number or set number, time and date gear set, time and date gear hauled, begin and end position, CDQ group number (if applicable), and haul weight for each haul or set within 2 hours after completion of gear retrieval. If a catcher/processor using trawl gear and required to weigh all catch on a scale approved by NMFS, record the CDQ group number (if applicable) within 2 hours after completion of weighing all of the catch in the haul. The operator of a vessel must allow the observer or an authorized officer

access to the information required to be recorded in the ELB under this paragraph (f)(2)(iii)(B)(1) at any time after the specified deadlines.

* * * * *

(7) ELB data submission. The operator must transmit ELB data to NMFS at the specified e-mail address in the following manner:

(i) Catcher/processors or motherships. Directly to NMFS as an e-mail attachment or other NMFS-approved data transmission mechanism, by ~~midnight~~ 2400 hours, A.l.t. each day to record the previous day's hauls.

* * * * *

64. In § 679.7,

- A. Remove and reserve paragraph (c)(1);
- B. Remove paragraphs (d)(6) and (d)(9) through (d)(23);
- C. Redesignate paragraph (d)(24) as (d)(6) and paragraph (d)(25) as (d)(9);
- D. Revise paragraphs (d)(7), (d)(8);
- E. Revise paragraph (k)(3)(vi); and
- F. Add paragraph (k)(8).

The additions and revisions read as follows:

§ 679.7 Prohibitions

* * * * *

(c) * * *

(1) [Reserved]

* * * * *

(d) * * *

(7) Catch Accounting--(i) General- (A) For the operator of a catcher/processor using trawl gear or a mothership, to harvest or take deliveries of CDQ or PSQ species without a valid scale inspection report signed by an authorized scale inspector under § 679.28(b)(2) on board the vessel.

(B) For the operator of a vessel required to have an observer sampling station described at § 679.28(d), to harvest or take deliveries of CDQ or PSQ species without a valid observer sampling station inspection report issued by NMFS under § 679.28(d)(8) on board the vessel.

(C) For the manager of a shoreside processor or stationary floating processor, or the manager or operator of a buying station that is required elsewhere in this part to weigh catch on a scale approved by the State of Alaska under § 679.28(c), to fail to weigh catch on a scale that meets the requirements of § 679.28(c).

(D) For the operator of a catcher/processor or a catcher vessel required to carry a level 2 observer, to combine catch from two or more CDQ groups in the same haul or set.

(E) For the operator of a catcher vessel using trawl gear or any vessel less than 60 ft (18.3 m) LOA that is groundfish CDQ fishing as defined at § 679.2, to discard any groundfish CDQ species or salmon PSQ before it is delivered to a processor unless discard of the groundfish CDQ is required under other provisions or, in waters within the State of Alaska, discard is required by laws of the State of Alaska.

(F) For the operator of a vessel using trawl gear, to release CDQ catch from the codend before it is brought on board the vessel and weighed on a scale approved by NMFS under § 679.28(b) or delivered to a processor. This includes, but is not limited to, "codend dumping" and "codend bleeding."

(G) For the operator of a catcher/processor using trawl gear or a mothership, to sort, process, or discard CDQ or PSQ species before the total catch is weighed on a scale that meets the requirements of § 679.28(b), including the daily test requirements described at § 679.28(b)(3).

(H) For a CDQ representative, to use methods other than those approved by NMFS to determine the catch of CDQ and PSQ reported to NMFS on the CDQ catch report.

(ii) Fixed gear sablefish--(A) For a CDQ group, to report catch of sablefish CDQ for accrual against the fixed gear sablefish CDQ reserve if that sablefish CDQ was caught with fishing gear other than fixed gear.

(B) For any person on a vessel using fixed gear that is fishing for a CDQ group with an allocation of fixed gear sablefish CDQ, to discard sablefish harvested with fixed gear unless retention of sablefish is not authorized under- § 679.23(e)(4)(ii) or, in waters within the State of Alaska, discard is required by laws of the State of Alaska.

(8) Prohibited species catch--(i) Crab--(A) Zone 1. For the operator of an eligible vessel, to use trawl gear to harvest groundfish CDQ in Zone 1 after the CDQ group's red king crab PSQ or C. bairdi Tanner crab PSQ in Zone 1 is attained.

(B) Zone 2. For the operator of an eligible vessel, to use trawl gear to harvest groundfish CDQ in Zone 2 after the CDQ group's PSQ for C. bairdi Tanner crab in Zone 2 is attained.

(C) COBLZ. For the operator of an eligible vessel, to use trawl gear to harvest groundfish CDQ in the C. opilio Bycatch Limitation Zone after the CDQ group's PSQ for C. opilio Tanner crab is attained.

(ii) Salmon--(A) Discard of salmon. For any person, to discard salmon from a catcher vessel, catcher/processor, mothership, shoreside processor, or SFP or transfer or process any salmon under the PSD Program at § 679.26, if the salmon were taken incidental to a directed fishery for pollock CDQ in the Bering Sea, until the number of salmon has been determined by an observer and the collection of scientific data or biological samples from the salmon has been completed.

(B) Non-Chinook salmon. For the operator of an eligible vessel, to use trawl gear to harvest pollock CDQ in the Chum Salmon Savings Area between September 1 and October 14 after the CDQ group's non-Chinook salmon PSQ is attained, unless the vessel is participating in a non-Chinook salmon bycatch reduction ICA under § 679.21(g).

(C) Chinook salmon--(1) Overages of Chinook salmon PSC allocations. For a CDQ group, to exceed a Chinook salmon PSC allocation issued under § 679.21(f) as of June 25 for the A season allocation and as of December 1 for the B season allocation.

(2) For the operator of a catcher vessel or catcher/processor, to start a new fishing trip for pollock CDQ in the BS in the A season or in the B season, if the CDQ group for which the vessel is fishing has exceeded its Chinook salmon PSC allocation issued under § 679.21(f) for that season.

(3) For the operator of a catcher/processor or mothership, to catch or process pollock CDQ in the BS without complying with the applicable requirements of § 679.28(j).

(4) For the operator of a catcher/processor or a mothership, to begin sorting catch from a haul from a directed fishery for pollock CDQ in the BS, until the observer has completed counting the salmon and collecting scientific data or biological samples from the previous haul.

(5) For the operator of a catcher vessel, to deliver pollock CDQ to a shoreside processor or stationary floating processor that does not have a catch monitoring and control plan approved under § 679.28(g).

(6) For the manager of a shoreside processor or stationary floating processor, to begin sorting a pollock CDQ offload before the observer has completed the count of salmon and the collection of scientific data or biological samples from the previous offload. For the operator of a catcher vessel, to start a new fishing trip for pollock CDQ in the BS if the observer assigned to the catcher vessel for the next fishing trip has not completed counting the salmon and collecting scientific data or biological samples from the previous delivery by that vessel.

(k) ***

(3) ***

(vi) Catch monitoring and control plan (CMCP)--(A) Take deliveries or process groundfish delivered by a vessel engaged in directed fishing for BSAI pollock without following an approved CMCP as described at § 679.28(g). A copy of the CMCP must be maintained on the premises and made available to authorized officers or NMFS-authorized personnel upon request.

(B) Allow sorting of fish at any location in the processing plant other than those identified in the CMCP under § 678.28(g)(7).

(C) Allow salmon of any species to pass beyond the last point where sorting of fish occurs, as identified in the scale drawing of the processing plant in the approved CMCP.

(8) Salmon bycatch--(i) Discard of salmon. For any person, to discard any salmon from a catcher vessel, catcher/processor, mothership, or inshore processor or transfer or process any salmon under the PSD Program at § 679.26, if the salmon were taken incidental to a directed fishery for pollock in the BS, until the number of salmon has been determined by an observer and the collection of scientific data or biological samples from the salmon has been completed.

(ii) Catcher/processors and motherships. For the operator of a catcher/processor or a mothership, to begin sorting catch from a haul from a directed fishery for pollock in the BS, until the observer has completed counting the salmon and collecting scientific data or biological samples from the previous haul.

(iii) Catcher vessels delivering to inshore processors. Shoreside processors and stationary floating processors. For the ~~operator~~ manager of a shoreside processor or stationary floating processor to begin sorting an new BS pollock offload before the observer has completed the count of salmon and the collection of scientific data or biological samples from the previous offload. ~~catcher vessel, to start a new fishing trip for pollock in the BS if the observer assigned to the catcher vessel for the next fishing trip has not completed counting the salmon and collecting scientific data or biological samples from the previous delivery by that vessel.~~

(iv) Overages of Chinook salmon PSC allocations--(A) For an inshore cooperative, the entity representing the AFA catcher/processor sector, or the entity representing the AFA mothership sector, to exceed a Chinook salmon PSC allocation issued under § 679.21(f) as of June 25 for the A season allocation and as of December 1 for the B season allocation.

(B) For a catcher vessel or catcher/processor, to start a fishing trip for pollock in the BS in the A season or in the B season if the vessel is fishing under a transferable Chinook salmon PSC allocation issued to an inshore cooperative, the entity representing the AFA catcher/processor sector, or the entity representing the AFA mothership sector under § 679.21(f) and the inshore cooperative or entity has exceeded its Chinook salmon PSC allocation for that season.

75. In § 679.21,

- A. Remove and reserve paragraph (a);
- B. Add paragraphs (b)(6) and (f); and
- C. Revise paragraphs (b)(2)(ii), (b)(3), (c), (e)(1)(vi), (e)(3)(i)(A)(3)(i), (e)(7)(viii), (e)(7)(ix), and (g).

The revisions and additions read as follows:

§ 679.21 Prohibited Species Bycatch Management

(a) [Reserved]

(b) * * *

(2) * * *

(ii) After allowing for sampling by an observer, if an observer is aboard, sort its catch immediately after retrieval of the gear and, except for salmon prohibited species catch in the BS pollock fisheries under paragraph (c) of this section and § 679.26, return all prohibited species, or parts thereof, to the sea immediately, with a minimum of injury, regardless of its condition.

(3) Rebuttable presumption. Except as provided under paragraph (c) of this section and § 679.26, there will be a rebuttable presumption that any prohibited species retained on board a fishing vessel regulated under this part was caught and retained in violation of this section.

* * * * *

(6) Addresses. Unless otherwise specified, submit information required under this section to NMFS as follows: by mail to the Regional Administrator, NMFS, P.O. Box 21668, Juneau, AK 99802; by courier to the Office of the Regional Administrator, 709 West 9th St., Juneau, AK 99801; or by fax to 907-586-7465. Forms are available on the NMFS Alaska Region website (<http://alaskafisheries.noaa.gov/>).

(c) Salmon taken in the BS pollock fisheries. Regulations in this paragraph apply to vessels directed fishing for pollock in the BS, including pollock CDQ, and processors taking deliveries from these vessels.

(1) Salmon discard. The operator of a vessel and the manager of a shoreside processor or SFP must not discard any salmon or transfer or process any salmon under the PSD Program at § 679.26, if the salmon were taken incidental to a directed fishery for pollock in the BS, until the number of salmon has been determined by the observer and the observer's collection of any scientific data or biological samples from the salmon has been completed.

(2) Salmon retention and storage--(i) Operators of catcher/processors or motherships must:

(A) Sort and transport all salmon bycatch from each haul to an approved storage location adjacent to the observer sampling station that allows an observer free and unobstructed access to the salmon (see § 679.28(d)(2)(i) and (d)(7)). The salmon storage location must remain in view of the observer from the observer sampling station at all times during the sorting of the haul.

(B) If, at any point during sorting of the haul or delivery for salmon, the salmon are too numerous to be contained in the salmon storage location, all sorting must cease and the observer must be given the opportunity to count the salmon in the storage location and collect scientific data or biological samples. Once the observer has completed all counting and sampling duties for the counted salmon, the salmon must be removed by vessel personnel from the approved storage location, in the presence of the observer.

(C) Before sorting of the next haul may begin, the observer must be given the opportunity to complete the count of salmon and the collection of scientific data or biological samples from the previous haul.

(D) Ensure no salmon of any species pass the observer sample collection point, as identified in the scale drawing of the observer sample station.

(ii) Operators of vessels delivering to shoreside processors or stationary floating processors must:

(A) Store in a refrigerated saltwater tank all salmon taken as bycatch in trawl operations.

(B) Deliver all salmon to the processor receiving the vessel's BS pollock catch.

~~(C) Before the vessel can begin a new fishing trip, the observer assigned to that vessel for the next fishing trip must be given the opportunity to complete the count of salmon and the collection of scientific data or biological samples from the previous delivery.~~

(iii) Shoreside processors or stationary floating processors must:

(A) Comply with the requirements in § 679.28(g)(7)(vii) for the receipt, sorting, and storage of salmon from deliveries of catch from the BS pollock fishery.

(B) Ensure no salmon of any species pass beyond the last point where sorting of fish occurs, as identified in the scale drawing of the plant in the CMCP.

(C) Sort and transport all salmon of any species to the salmon storage container identified in the CMCP (see §679.28(g)(7)(vi)(C) and (x)(F)). ~~the observation area by plant personnel and~~ the salmon must remain in that observation area salmon storage container and within the view of the observer at all times during the offload.

(D) If, at any point during the offload, salmon are too numerous to be contained in the ~~salmon storage container observation area,~~ the offload and all sorting must cease and the observer must be given the opportunity to count the salmon ~~in the observation area and~~ collect scientific data or biological samples. The counted salmon then must be removed from the area by plant personnel in the presence of the observer.

(E) At the completion of the offload, the observer must be given the opportunity to count the salmon ~~in the observation area and~~ collect scientific data or biological samples.

(F) Before sorting of the next offload of catch from the BS pollock fishery may begin, the observer must be given the opportunity to complete the count of salmon and the collection of scientific data or biological samples from the previous offload of catch from the BS pollock fishery.

(3) Assignment of crew to assist observer. Operators of vessels and managers of shoreside processors and SFPs that are required to retain salmon under paragraph (c)(1) of this section must designate and identify to the observer aboard the vessel, or at the shoreside processor or SFP, a crew person or employee responsible for ensuring all sorting, retention, and storage of salmon occurs according to the requirements of (c)(2) of this section.

(4) Discard of salmon. Except for salmon under the PSD Program at § 679.26, all salmon must be returned to the sea as soon as is practicable, following notification by an observer that the number of salmon has been determined and the collection of scientific data or biological samples has been completed.

* * * * *

(e) * * *

(1) * * *

(vi) BS Chinook salmon. See paragraph (f) of this section.

* * * * *

(3) * * *

(i) * * *

(A) * * *

(3) * * *

(i) Chinook salmon. For BS Chinook salmon, see paragraph (f) of this section. ~~For BS Chinook salmon or For AI Chinook salmon, 7.5 percent of the PSC limit set forth in paragraph (e)(1)(viii) of this section for AI Chinook salmon.~~

* * * * *

(7) * * *

(viii) AI Chinook salmon. If, during the fishing year, the Regional Administrator determines that catch of Chinook salmon, by vessels using trawl gear while directed fishing for pollock in the AI, will reach the annual limit of 700 Chinook salmon, as identified in paragraph (e)(1)(viii) of this section, NMFS, by notification in the Federal Register will close the AI Chinook Salmon Savings Area, as defined in Figure 8 to this part, to directed fishing for pollock with trawl gear on the following dates:

(A) From the effective date of the closure until April 15, and from September 1 through December 31, if the Regional Administrator determines that the annual limit of AI Chinook salmon will be attained before April 15.

(B) From September 1 through December 31, if the Regional Administrator determines that the annual limit of AI Chinook salmon will be attained after April 15.

(ix) Exemptions. Trawl vessels participating in directed fishing for pollock and operating under a non-Chinook salmon bycatch reduction ICA approved by NMFS under paragraph (g) of this section are exempt from closures in the Chum Salmon Savings Area described at paragraph (e)(7)(vii) of this section. See also § 679.22(a)(10) and Figure 9 to part 679.

* * * * *

(f) BS Chinook Salmon Bycatch Management--(1) Applicability. This paragraph contains regulations governing the bycatch of Chinook salmon in the BS pollock fishery.

(2) BS Chinook salmon prohibited species catch (PSC) limit. Each year, NMFS will allocate to AFA sectors, listed in paragraph (f)(3)(ii) of this section, a portion of either the 47,591 Chinook salmon PSC limit or the 60,000 Chinook salmon PSC limit.

(i) An AFA sector will receive a portion of the 47,591 Chinook salmon PSC limit if:

(A) No Chinook salmon bycatch incentive plan agreement (IPA) is approved by NMFS under paragraph (f)(12) of this section; or

(B) That AFA sector has exceeded its performance standard under paragraph (f)(6) of this section.

(ii) An AFA sector will receive a portion of the 60,000 Chinook salmon PSC limit if:

(A) At least one IPA is approved by NMFS under paragraph (f)(12) of this section; and

(B) That AFA sector has not exceeded its performance standard under paragraph (f)(6) of this section.

(3) Allocations of the BS Chinook salmon PSC limits--(i) Seasonal apportionment. NMFS will apportion the BS Chinook salmon PSC limits annually 70 percent to the A season and 30 percent to the B season, which are described in § 679.23(e)(2)(i) and (ii).

(ii) AFA sectors. Each year, NMFS will make allocations of the applicable BS Chinook salmon PSC limit to the following four AFA sectors:

AFA sector:	Eligible participants are:
(A) Catcher/processor (C/P)	AFA catcher/processors and AFA catcher vessels delivering to AFA catcher/processors, all of which are permitted under § 679.4(1)(2) and § 679.4(1)(3)(i)(A), respectively.

(B) Mothership	AFA catcher vessels harvesting pollock for processing by AFA motherships, all of which are permitted under § 679.4(l)(3)(i)(B) and § 679.4(l)(4), respectively.
(C) Inshore	AFA catcher vessels harvesting pollock for processing by AFA inshore processors, all of which are permitted under § 679.4(l)(3)(i)(C).
(D) CDQ Program	The six CDQ groups authorized under section 305(i)(1)(D) of the Magnuson-Stevens Act to participate in the CDQ Program.

(iii) Allocations to each AFA sector. NMFS will allocate the BS Chinook salmon PSC limits to each AFA sector as follows:

(A) If a sector is managed under the 60,000 Chinook salmon PSC limit, the maximum amount of Chinook salmon PSC allocated to each sector in each season and annually is:

AFA sector	A season		B season		Annual total	
	% Allocation	# of Chinook	% Allocation	# of Chinook	% Allocation	# of Chinook
(1) C/P	32.9	13,818	17.9	3,222	28.4	17,040
(2) Mothership	8.0	3,360	7.3	1,314	7.8	4,674
(3) Inshore	49.8	20,916	69.3	12,474	55.6	33,390
(4) CDQ Program	9.3	3,906	5.5	990	8.2	4,896

(B) If the sector is managed under the 47,591 Chinook salmon PSC limit, the sector will be allocated the following amount of Chinook salmon PSC in each season and annually:

AFA sector	A season		B season		Annual total	
	% Allocation	# of Chinook	% Allocation	# of Chinook	% Allocation	# of Chinook
(1) C/P	32.9	10,960	17.9	2,556	28.4	13,516
(2) Mothership	8.0	2,665	7.3	1,042	7.8	3,707
(3) Inshore	49.8	16,591	69.3	9,894	55.6	26,485
(4) CDQ Program	9.3	3,098	5.5	785	8.2	3,883

(iv) Allocations to the AFA catcher/processor and mothership sectors--(A) NMFS will issue transferable Chinook salmon PSC allocations under paragraph (f)(3)(iii)(A) or (B) of this section to entities representing the AFA catcher/processor sector and the AFA mothership sector if these sectors meet the requirements of paragraph (f)(8) of this section.

(B) If no entity is approved by NMFS to represent the AFA catcher/processor sector or the AFA mothership sector, then NMFS will manage that sector under a non-transferable Chinook salmon PSC allocation under paragraph (f)(10) of this section.

(v) Allocations to inshore cooperatives and the AFA inshore open access fishery. NMFS will further allocate the inshore sector's Chinook salmon PSC allocation under paragraph (f)(3)(iii)(A)(3) or (B)(3) of this section among the inshore cooperatives and the inshore open access fishery based on the percentage allocations of pollock to each inshore cooperative under § 679.62(a). NMFS will issue transferable Chinook salmon PSC allocations to inshore cooperatives. Any Chinook salmon PSC allocated to the inshore open access fishery will be as a non-transferable allocation managed by NMFS under the requirements of paragraph (f)(10) of this section.

(vi) Allocations to the CDQ Program. NMFS will further allocate the Chinook salmon PSC allocation to the CDQ Program under paragraph (f)(3)(iii)(A)(4) or (B)(4) of this section among the six CDQ groups based on each CDQ group's percentage of the CDQ Program pollock allocation in Column B of Table 47d to this part. NMFS will issue transferable Chinook salmon PSC allocations to CDQ groups.

(vii) Accrual of Chinook salmon bycatch to specific PSC allocations.

If a Chinook salmon PSC allocation is:	Then all Chinook salmon bycatch:
(A) A transferable allocation to a sector-level entity, inshore cooperative, or CDQ group under paragraph (f)(8) of this section	by any vessel fishing under a transferable allocation will accrue against the allocation to the entity representing that vessel.
(B) A non-transferable allocation to a sector or the inshore open access fishery under paragraph (f)(10) of this section	by any vessel fishing under a non-transferable allocation will accrue against the allocation established for the sector or inshore open access fishery, whichever is applicable.
(C) The opt-out allocation under paragraph (f)(5) of this section	by any vessel fishing under the opt-out allocation will accrue against the opt-out allocation.

(viii) Public release of Chinook salmon PSC information. For each year, NMFS will release to the public and publish on the NMFS Alaska Region website (<http://alaskafisheries.noaa.gov/>):

- (A) The Chinook salmon PSC allocations for each entity receiving a transferable allocation;
- (B) The non-transferable Chinook salmon PSC allocations;
- (C) The vessels fishing under each transferable or non-transferable allocation;
- (D) The amount of Chinook salmon bycatch that accrues towards each transferable or non-transferable allocation; and

(E) Any changes to these allocations due to transfers under paragraph (f)(9) of this section, rollovers under paragraph (f)(11) of this section, and deductions from the B season non-transferable allocations under paragraphs (f)(5)(v) or (f)(10)(iii) of this section.

(4) Reduction in allocations of the 60,000 Chinook salmon PSC limit--(i) Reduction in sector allocations. NMFS will reduce the seasonal allocation of the 60,000 Chinook salmon PSC limit to the catcher/processor sector, the mothership sector, the inshore sector, or the CDQ Program under paragraph (f)(3)(iii)(A) of this section, if the owner of any permitted AFA vessel in that sector, or any CDQ group, does not participate in an approved IPA under paragraph (f)(12) of this section. For a CDQ group to participate in an IPA, each vessel harvesting pollock CDQ in the BS on behalf of that CDQ group must be listed in an approved IPA in which the CDQ group also is a participant.

The amount of Chinook salmon subtracted from each sector's allocation for those not participating in an approved IPA is calculated as follows:

For each sector:	Reduce the A season allocation by the sum of the amount of Chinook salmon associated with each vessel or CDQ group not participating in an IPA:	+	Reduce the B season allocation by the sum of the amount of Chinook salmon associated with each vessel or CDQ group not participating in an IPA:	=	The annual amount of Chinook salmon subtracted from each sector's Chinook salmon PSC allocation listed at paragraph (f)(3)(iii)(A) of this section.
(A) Catcher/processor	From Column E in Table 47a to this part		From Column F in Table 47a to this part		
(B) Mothership	From Column E in Table 47b to this part		From Column F in Table 47b to this part		
(C) Inshore	From Column E in Table 47c to this part		From Column F in Table 47c to this part		
(D) CDQ Program	From Column C in Table 47d to this part		From Column D in Table 43d to this part		

(ii) Adjustments to the inshore sector and inshore cooperative allocations--(A) If some members of an inshore cooperative do not participate in an approved IPA, NMFS will only reduce the allocation to the cooperative to which those vessels belong, or the inshore open access fishery.

(B) If all members of an inshore cooperative do not participate in an approved IPA, the amount of Chinook salmon that remains in the inshore sector's allocation, after subtracting the amount in paragraph (f)(4)(i)(C) of this section for the non-participating inshore cooperative, will be reallocated among the inshore cooperatives participating in an approved IPA based on the proportion each participating cooperative represents of the Chinook salmon PSC initially allocated among the participating inshore cooperatives that year.

(iii) Adjustment to CDQ group allocations. If a CDQ group does not participate in an approved IPA, the amount of Chinook salmon that remains in the CDQ Program's allocation, after subtracting the amount in paragraph (f)(4)(i)(D) of this section for the non-participating CDQ group, will be reallocated among the CDQ groups participating in an approved IPA based on the proportion each participating CDQ group represents of the Chinook salmon PSC initially allocated among the participating CDQ groups that year.

(iv) All members of a sector do not participate in an approved IPA. If all members of a sector do not participate in an approved IPA, the amount of Chinook salmon that remains after subtracting the amount in paragraph (f)(4)(i) of this section for the non-participating sector will

not be reallocated among the sectors that do have members participating in an approved IPA. This portion of the 60,000 PSC limit will remain unallocated for that year.

(5) Chinook salmon PSC opt-out allocation. The following table describes requirements for the opt-out allocation:

(i) What is the amount of Chinook salmon PSC that will be allocated to the opt-out allocation in the A season and the B season?	The opt-out allocation will equal the sum of the Chinook salmon PSC deducted under paragraph (f)(4)(i) of this section from the seasonal allocations of each sector with members not participating in an approved IPA.
(ii) Which participants will be managed under the opt-out allocation?	Any AFA permitted vessel or any CDQ group that is a member of a sector eligible under paragraph (f)(2)(ii) of this section to receive allocations of the 60,000 PSC limit, but that is not participating in an approved IPA.
(iii) What Chinook salmon bycatch will accrue against the opt-out allocation?	All Chinook salmon bycatch by participants under paragraph (f)(2)(ii) of this section.
(iv) How will the opt-out allocation be managed?	All participants under paragraph (f)(2)(ii) of this section will be managed as a group under the seasonal opt-out allocations. If the Regional Administrator determines that the seasonal opt-out allocation will be reached, NMFS will publish a notice in the <u>Federal Register</u> closing directed fishing for pollock in the BS, for the remainder of the season, for all vessels fishing under the opt-out allocation.
(v) What will happen if Chinook salmon bycatch by vessels fishing under the opt-out allocation exceeds the amount allocated to the A season opt-out allocation?	NMFS will deduct from the B season opt-out allocation any Chinook salmon bycatch in the A season that exceeds the A season opt-out allocation.
(vi) What will happen if Chinook salmon bycatch by vessels fishing under the opt-out allocation is less than the amount allocated to the A season opt-out allocation?	If Chinook salmon bycatch by vessels fishing under the opt-out allocation in the A season is less than the amount allocated to the opt-out allocation in the A season, this amount of Chinook salmon will <u>not</u> be added to the B season opt-out allocation.
(vii) Is Chinook salmon PSC allocated to the opt-out allocation transferable?	No. Chinook salmon PSC allocated to the opt-out allocation is not transferable.

(6) Chinook salmon bycatch performance standard. If the total annual Chinook salmon bycatch by the members of a sector participating in an approved IPA is greater than that sector's annual threshold amount of Chinook salmon in any three of seven consecutive years, that sector will receive an allocation of Chinook salmon under the 47,591 PSC limit in all future years.

(i) Annual threshold amount. Prior to each fishing year, NMFS will calculate each sector's annual threshold amount. NMFS will post the annual threshold amount for each sector

on the NMFS Alaska Region website (<http://alaskafisheries.noaa.gov/>). At the end of each fishing-year, NMFS will evaluate the Chinook salmon bycatch by all IPA participants in each sector against that sector's annual threshold amount.

(ii) Calculation of the annual threshold amount. A sector's annual threshold amount is the annual number of Chinook salmon that would be allocated to that sector under the 47,591 Chinook salmon PSC limit, as shown in the table in paragraph (f)(3)(iii)(B) of this section. If any vessels in a sector do not participate in an approved IPA, NMFS will reduce that sector's annual threshold amount by the number of Chinook salmon associated with each vessel not participating in an approved IPA. If any CDQ groups do not participate in an approved IPA, NMFS will reduce the CDQ Program's annual threshold amount by the number of Chinook salmon associated with each CDQ group not participating in an approved IPA. NMFS will subtract the following numbers of Chinook salmon from each sector's annual threshold amount for vessels or CDQ groups not participating in an approved IPA:

For each sector:	The amount of Chinook salmon associated with each vessel or CDQ group not participating in an IPA:
(A) Catcher/processor	From Column G of Table 47a to this part;
(B) Mothership	From Column G of Table 47b to this part;
(C) Inshore	From Column G of Table 47c to this part;
(D) CDQ Program	From Column E of Table 47d to this part.

(iii) If NMFS determines that a sector has exceeded its performance standard by exceeding its annual threshold amount in any three of seven consecutive years, NMFS will issue a notification in the Federal Register that the sector has exceeded its performance standard and that NMFS will allocate to that sector the amount of Chinook salmon in the table in paragraph (f)(3)(iii)(B) of this section in all subsequent years. All members of the affected sector will fish under this lower allocation regardless of whether a vessel or CDQ group within that sector participates in an approved IPA.

(7) Replacement vessels. If an AFA permitted vessel listed in Tables 47a through 47c to this part is no longer eligible to participate in the BS pollock fishery or if a vessel replaces a currently eligible vessel, the portion and number of Chinook salmon associated with that vessel in Tables 47a through 47c to this part will be assigned to the replacement vessel or distributed among other eligible vessels in the sector based on the procedures in the law, regulation, or private contract that accomplishes the vessel removal or replacement action until Tables 47a through 47c to this part can be revised as necessary.

(8) Entities eligible to receive transferable Chinook salmon PSC allocations--(i) NMFS will issue transferable Chinook salmon PSC allocations to the following entities, if these entities meet all of the applicable requirements of this part.

(A) Inshore cooperatives. NMFS will issue transferable Chinook salmon PSC allocations to the inshore cooperatives permitted annually under § 679.4(1)(6). The representative and agent for service of process (see definition at § 679.2) for an inshore cooperative is the cooperative representative identified in the application for an inshore cooperative fishing permit issued under § 679.4(1)(6), unless the inshore cooperative representative notifies NMFS in writing that a different person will act as its agent for service of process for purposes of this paragraph (f). An

inshore cooperative is not required to submit an application under paragraph (f)(8)(ii) of this section to receive a transferable Chinook salmon PSC allocation.

(B) CDQ groups. NMFS will issue transferable Chinook salmon PSC allocations to the CDQ groups. The representative and agent for service of process for a CDQ group is the chief executive officer of the CDQ group, unless the chief executive officer notifies NMFS in writing that a different person will act as its agent for service of process. A CDQ group is not required to submit an application under paragraph (f)(8)(ii) of this section to receive a transferable Chinook salmon PSC allocation.

(C) Entity representing the catcher/processor sector. NMFS will authorize only one entity to represent the catcher/processor sector for purposes of receiving and managing transferable Chinook salmon PSC allocations on behalf of the catcher/processors eligible to fish under transferable Chinook salmon PSC allocations.

(1) NMFS will issue transferable Chinook salmon PSC allocations under the 60,000 Chinook salmon PSC limit to an entity representing the AFA catcher/processor sector if ~~some or~~ all of the owners of AFA permitted vessels in this sector, that are participants in a NMFS-approved IPA, form a single entity ~~to represent all catcher/processors eligible to fish under transferable Chinook salmon PSC allocations.~~

(2) NMFS will issue transferable Chinook salmon allocations under the 47,591 Chinook salmon PSC limit to an entity representing the AFA catcher/processor sector if all of the owners of AFA permitted vessels in this sector form a single entity. ~~No more than one entity will be authorized by NMFS to represent the catcher/processor sector for purposes of receiving and managing transferable Chinook salmon PSC allocations on behalf of the catcher/processor sector.~~

(D) Entity representing the mothership sector. NMFS will authorize only one entity to represent the mothership sector for purposes of receiving and managing transferable Chinook salmon PSC allocations on behalf of the vessels eligible to fish under transferable Chinook salmon PSC allocations.

(1) NMFS will issue transferable Chinook salmon PSC allocations under the 60,000 Chinook salmon PSC limit to an entity representing the AFA mothership sector if ~~some or~~ all of the owners of AFA permitted catcher vessels in this sector, that are participants in a NMFS-approved IPA, form a single entity ~~to represent all catcher vessels in this sector eligible to fish under transferable Chinook salmon PSC allocations.~~

(2) NMFS will issue transferable Chinook salmon allocations under the 47,591 Chinook salmon PSC limit to an entity representing the AFA mothership sector if all of the owners of AFA permitted catcher vessels in this sector form a single entity.

~~No more than one entity will be authorized by NMFS to represent the mothership sector for purposes of receiving and managing transferable Chinook salmon PSC allocations on behalf of the mothership sector.~~

(ii) Request for approval as an entity eligible to receive transferable Chinook salmon PSC allocations. A representative of an entity representing the catcher/processor sector or the mothership sector may request approval by NMFS to receive transferable Chinook salmon PSC allocations on behalf of the members of the sector. The application must be submitted to NMFS at the address in paragraph (b)(6) of this section. A completed application consists of the application form and a contract, described below.

(A) Application form. The applicant must submit a paper copy of the application form with all information fields accurately filled in. The application form is available on the NMFS

Alaska Region website (<http://alaskafisheries.noaa.gov/>) or from NMFS at the address or phone number in paragraph (b)(6) of this section.

(B) Contract. A contract containing the following information must be attached to the completed application form:

(1) Information that documents that all parties to the contract agree that the entity, the entity's representative, and the entity's agent for service of process named in the application form represent them for purposes of receiving transferable Chinook salmon PSC allocations.

(2) A statement that the entity's representative and agent for service of process are authorized to act on behalf of the parties to the contract.

(3) Certification of applicant. Signatures, printed names, and date of signature for the owners of each AFA permitted vessel identified in the application.

(C) Contract duration. Once submitted, the contract attached to the application is valid until amended or terminated by the parties to the contract. Additions or deletions to the vessels represented by the entity may be done one time per year for subsequent years by submitting an amended contract and revised vessel information by the deadline, unless additions or deletions are as a result of a replacement vessel under paragraph (f)(7) of this section. An amendment to the contract related to a replacement vessel may be made at any time upon submission of an amended application and a copy of the AFA permit issued under § 679.4 for the replacement vessel.

(D) Deadline. An initial or amended application and contract must be received by NMFS no later than 1700 hours, A.l.t. on November 1 of the year prior to the fishing-year for which the Chinook salmon PSC allocations are effective.

~~(iii) Responsibility. (A) Entity (1) Each inshore cooperative and its members are jointly and severally liable for any violation of applicable regulations in this part by a member of the cooperative.~~

~~(2) The entity representing the catcher/processor sector and its members are jointly and severally liable for any violation of applicable regulations in this part by a member of the sector.~~

~~(3) The entity representing the mothership sector and its members are jointly and severally liable for any violation of applicable regulations in this part by a member of the sector.~~

~~(4) The owners of all vessels that are members of an inshore cooperative or members of the entity that represents the catcher/processor sector or the mothership sector may authorize the entity representative to sign a proposed IPA submitted to NMFS under paragraph (f)(12) of this section on their behalf. This authorization must be included in the contract submitted to NMFS under paragraph (f)(8)(ii)(B) of this section for the sector level entities and in the contract submitted annually to NMFS by inshore cooperatives under § 679.61(d).~~

~~(B) Entity Representative. (A) The entity's representative must—~~

~~(1) Act as the primary contact person for NMFS on issues relating to the operation of the entity;~~

~~(2) Submit on behalf of the entity any applications required for the entity to receive a transferable Chinook salmon PSC allocation and to transfer some or all of that allocation to and from other entities eligible to receive transfers of Chinook salmon PSC allocations;~~

~~(3) Ensure that an agent for service of process is designated by the entity; and~~

~~(4) Ensure that NMFS is notified if a substitute agent for service of process is designated. Notification must include the name, address, and telephone number of the substitute agent in the event the previously designated agent is no longer capable of accepting service on behalf of the~~

entity or its members within the 5-year period from the time the agent is identified in the application to NMFS under paragraph (f)(8)(ii)(B) of this section.

(B) All vessel owners that are members of an inshore cooperative, or members of the entity that represents the catcher/processor sector or the mothership sector, may authorize the entity representative to sign a proposed IPA submitted to NMFS, under paragraph (f)(12) of this section, on behalf of the vessel owners participating in that IPA. This authorization must be included in the contract submitted to NMFS, under paragraph (f)(8)(ii)(B) of this section, for the sector-level entities and in the contract submitted annually to NMFS by inshore cooperatives under § 679.61(d).

(ivE) Agent for service of process. The entity's agent for service of process must—

(+A) Be authorized to receive and respond to any legal process issued in the United States with respect to all owners and operators of vessels that are members of an entity receiving a transferable allocation of Chinook salmon PSC or with respect to a CDQ group. Service on or notice to the entity's appointed agent constitutes service on or notice to all members of the entity.

(2B) Be capable of accepting service on behalf of the entity until December 31 of the year five years after the calendar year for which the entity notified the Regional Administrator of the identity of the agent.

- (vD) Absent a catcher/processor sector or mothership sector entity. If the catcher/processor sector or the mothership sector does not form an entity to receive a transferable allocation of Chinook salmon PSC, the sector will receive non-transferable allocations of Chinook salmon PSC that will be managed by NMFS under paragraph (f)(10) of this section.

(9) Transfers of Chinook salmon PSC--(i) A Chinook salmon PSC allocation issued to eligible entities under paragraph (f)(8)(i) of this section may be transferred to any other entity receiving a transferable allocation of Chinook salmon PSC by submitting to NMFS an application for transfer described in paragraph (f)(9)(iii) of this section. Transfers of Chinook salmon PSC allocations among eligible entities are subject to the following restrictions:

(A) Entities receiving transferable allocations under the 60,000 PSC limit may only transfer to and from other entities receiving allocations under the 60,000 PSC limit.

(B) Entities receiving transferable allocations under the 47,591 PSC limit may only transfer to and from other entities receiving allocations under the 47,591 PSC limit.

(C) Chinook salmon PSC allocations may not be transferred between seasons.

(ii) Post-delivery transfers. If the Chinook salmon bycatch by an entity exceeds its seasonal allocation, the entity may receive transfers of Chinook salmon PSC to cover overages for that season. An entity may conduct transfers to cover an overage that results from Chinook salmon bycatch from any fishing trip by a vessel fishing on behalf of that entity that was completed or is in progress at the time the entity's allocation is first exceeded. Under § 679.7(d)(8)(ii)(C)(2) and (k)(8)(iv)(B), vessels fishing on behalf of an entity that has exceeded its Chinook salmon PSC allocation for a season may not start a new fishing trip for pollock in the BS on behalf of that same entity for the remainder of that season, once that overage has occurred.

(iii) Application for transfer of Chinook salmon PSC allocations--(A) Completed application. NMFS will process a request for transfer of Chinook salmon PSC provided that a paper or electronic application is completed, with all information fields accurately filled in. Application forms are available on the NMFS Alaska Region website (<http://alaskafisheries.noaa.gov/>) or from NMFS at the address or phone number in paragraph (b)(6) of this section.

(B) Certification of transferor--(1) Non-electronic submittal. The transferor's designated representative must sign and date the application certifying that all information is true, correct, and complete. The transferor's designated representative must submit the paper application as indicated on the application.

(2) Electronic submittal. The transferor's designated entity representative must log into NMFS online services system and create a transfer request as indicated on the computer screen. By using the transferor's NMFS ID, password, and Transfer Key, and submitting the transfer request, the designated representative certifies that all information is true, correct, and complete.

(C) Certification of transferee--(1) Non-electronic submittal. The transferee's designated representative must sign and date the application certifying that all information is true, correct, and complete.

(2) Electronic submittal. The transferee's designated representative must log into the NMFS online services system and accept the transfer request as indicated on the computer screen. By using the transferee's NMFS ID, password, and Transfer Key, the designated representative certifies that all information is true, correct, and complete.

(D) Deadline. NMFS will not approve an application for transfer of Chinook salmon PSC after June 25 for the A season and after December 1 for the B season.

(10) Non-transferable Chinook salmon PSC allocations--(i) All vessels belonging to a sector that is ineligible to receive transferable allocations under paragraph (f)(8) of this section, any catcher vessels participating in an inshore open access fishery, and all vessels fishing under the opt-out allocation under paragraph (f)(5) of this section will fish under specific non-transferable Chinook salmon PSC allocations.

(ii) All vessels fishing under a non-transferable Chinook salmon PSC allocation, including vessels fishing on behalf of a CDQ group, will be managed together by NMFS under that non-transferable allocation. If, during the fishing year, the Regional Administrator determines that a seasonal non-transferable Chinook salmon PSC allocation will be reached, NMFS will publish a notice in the Federal Register closing the BS to directed fishing for pollock by those vessels fishing under that non-transferable allocation for the remainder of the season or for the remainder of the year.

(iii) For each non-transferable Chinook salmon PSC allocation, NMFS will deduct from the B season allocation any amount of Chinook salmon bycatch in the A season that exceeds the amount available under the A season allocation.

(11) Rollover of unused A season allocation--(i) Rollovers of transferable allocations. NMFS will add any Chinook salmon PSC allocation remaining at the end of the A season, after any transfers under paragraph (f)(9)(ii) of this section, to an entity's B season allocation.

(ii) Rollover of non-transferable allocations. For a non-transferable allocation for the mothership sector, catcher/processor sector, or an inshore open access fishery, NMFS will add any Chinook salmon PSC remaining in that non-transferable allocation at the end of the A season to that B season non-transferable allocation.

(12) Chinook salmon bycatch incentive plan agreements (IPAs)--(i) Minimum participation requirements. More than one IPA may be approved by NMFS. Each IPA must have participants that represent the following:

(A) Minimum percent pollock. Parties to an IPA ~~ie ipa~~ must collectively represent ~~ion~~ by the owners of AFA permitted vessels or CDQ groups that combined represent at least 9 percent of the amount of the BS pollock attributed to the sector, inshore cooperative, CDQ group, or

~~individual vessel is required for purposes of this paragraph (f)(12)(i).~~ The percentage of pollock attributed to each sector, AFA permitted vessel, ~~and~~ CDQ group is as follows:

For each sector:	The percent of <u>BS pollock</u> attributed to each sector:	Percent of <u>BS pollock</u> used to calculate IPA minimum participation for each <u>AFA permitted vessel and CDQ group</u> is the value in:
(1) Catcher/processor	36	Column H in Table 47a to this part
(2) Mothership	9	Column H in Table 47b to this part
(3) Inshore	45	Column H in Table 47c to this part
(4) CDQ Program	10	Column F in Table 47d to this part

(B) Minimum number of unaffiliated AFA entities. ~~The p~~Parties to an IPA must represent any combination of two or more CDQ groups or corporations, partnerships, or individuals who own AFA permitted vessels and are not affiliated, as affiliation is defined for purposes of AFA entities in § 679.2.

(ii) Membership in an IPA. ~~(A) is voluntary.~~ No vessel owner or CDQ group ~~may be~~ is required to join an IPA.

~~(B)~~ Upon receipt of written notification that a person wants to join an IPA, the IPA representative must allow that vessel owner or CDQ group to join subject to the terms and conditions that have been agreed upon by all other parties to the ~~proposed~~ IPA.

(iii) Request for approval of a proposed IPA. The IPA representative must submit an application for approval of a proposed IPA to NMFS at the address in paragraph (b)(6) of this section. A completed application consists of the application form and the proposed IPA, described below.

(A) Application form. The applicant must submit a paper copy of the application form with all information fields accurately filled in. The application form is available on the NMFS Alaska Region website (<http://alaskafisheries.noaa.gov/>) or from NMFS at the address or phone number in paragraph (b)(6) of this section.

(B) Proposed IPA. The proposed IPA must contain the following information:

(1) Name of the IPA. The same IPA name submitted on the application form.

(2) Representative. The name, telephone number, and e-mail address of the IPA representative who submits the proposed IPA on behalf of the parties and who is responsible for submitting proposed amendments to the IPA and the annual report required under paragraph (f)(12)(vii) of this section.

(3) Description of the incentive plan. The IPA must contain a written description of the following:

(i) The incentive(s) that will be implemented under the IPA ~~to ensure that the~~ for the operator of each vessel participating in the IPA will to avoid Chinook salmon at all times while directed fishing for pollock bycatch under any condition of pollock and Chinook salmon abundance in all years;

(ii) The rewards for avoiding Chinook salmon, penalties for failure to avoid Chinook salmon at the vessel level, or both;

(iii) How the incentive measures in the IPA are expected to promote reductions in a vessel's Chinook salmon bycatch rates relative to what would have occurred in absence of the incentive program;

(iv) How the incentive measures in the IPA promote Chinook salmon savings in any condition of pollock abundance or Chinook salmon abundance in a manner that is expected to influence operational decisions by vessel operators to avoid Chinook salmon; and

(v) How the IPA ensures that the operator of each vessel governed by the IPA will manage his or her Chinook salmon bycatch to keep total bycatch below the performance standard described in paragraph (f)(6) of this section for the sector in which the vessel participates.

(4) Compliance agreement. The IPA must include a written statement that all parties to the IPA agree to comply with all provisions of the IPA.

(5) Signatures. The names and signatures of the owner or representative for each vessel and CDQ group that is a party to the IPA. The representative of an inshore cooperative, or the representative of the entity formed to represent the AFA catcher/processor sector or the AFA mothership sector under paragraph (f)(8) of this section may sign a proposed IPA on behalf of all vessels that are members of that inshore cooperative or sector level entity.

(iv) Deadline and duration--(A) Deadline for proposed IPA. An ~~initial or amended~~ application must be received by NMFS no later than 1700 hours, A.l.t. on October 1 of the year prior to the ~~fishing-year for which the Chinook salmon PSC allocations are~~ IPA is proposed to be effective.

(B) Duration. Once approved, an IPA is effective starting January 1 of the year following the year in which NMFS approves the IPA, unless the IPA is approved between January 1 and January 19, in which case the IPA is effective starting in the year in which it is approved. Once approved, an IPA is effective until December 31 of the first year in which it is effective or until December 31 of the year in which the IPA representative notifies NMFS in writing that the IPA is no longer in effect, whichever is later. An IPA may not expire mid-year. No party may join or leave an IPA once it is approved, except as allowed under paragraph (f)(12)(v)(C) of this section.

(v) NMFS review of a proposed IPA--(A) Approval. An IPA will be approved by NMFS if it meets the following requirements:

(1) Meets the minimum participation requirements in paragraph (f)(12)(i) of this section;

(2) Is submitted in compliance with the requirements of paragraph (f)(12)(ii) and (iv) of this section; and

(3) Contains the information required in paragraph (f)(12)(iii) of this section.

(B) IPA identification number. If approved, NMFS will assign an IPA number to the approved IPA. This number must be used by the IPA representative in amendments to the IPA.

(C) Amendments to an IPA. Amendments to an approved IPA may be submitted to NMFS and will be reviewed under the requirements of this paragraph (f)(12).

(1) An amendment to an approved IPA, with no change in the participants in the IPA, may be submitted to NMFS at any time and is effective upon written notification of approval by NMFS to the IPA representative. To amend an IPA, the IPA representative must submit a complete application, as described in paragraph (f)(12)(iii) of this section.

(2) ~~An amendments to the list of participants in an IPA, with or without changes to an approved IPA,~~ must be received by NMFS no later than 1700 hours, A.l.t. on ~~November~~ December 1 and will be effective at the beginning of the next year, prior to the year in which the participants will join or leave the IPA, unless amendments to the list of participants are the result of a replacement vessel under paragraph (f)(7) of this section. To amend the list of participants,

~~The IPA representative must submit an application form, as described in paragraph (f)(12)(iii)(A) of this section, for approval of a proposed IPA (amended) that includes all of the information required in paragraph (f)(12)(iii) of this section. In addition, f~~

~~(3) or an Amendment to the list of participants related to a replacement vessel, under paragraph (f)(7) of this section, may be submitted to NMFS at any time. To amend the list of participants for a replacement vessel, the IPA representative must submit the application for approval of an amendment form, as described in paragraph (f)(12)(iii)(A) of this section, and must also include a copy of the AFA permit issued under § 679.4 for the replacement vessel.~~

(D) Disapproval--(1) NMFS will disapprove a proposed IPA or a proposed amendment to an IPA for either of the following reasons;

(i) If the proposed IPA fails to meet any of the requirements of paragraphs (f)(12)(i) through (iii) of this section, or

(ii) If a proposed amendment to an IPA would cause the IPA to no longer be consistent with the requirements of paragraphs (f)(12)(i) through (iv) of this section.

(2) Initial Administrative Determination (IAD). If, in NMFS's review of the proposed IPA, NMFS identifies deficiencies in the proposed IPA that require disapproval of the proposed IPA, NMFS will notify the applicant in writing. The applicant will be provided 30 days to address, in writing, the deficiencies identified by NMFS. An applicant will be limited to one 30-day period to address any deficiencies identified by NMFS. Additional information or a revised IPA received after the 30-day period specified by NMFS has expired will not be considered for purposes of the review of the proposed IPA. NMFS will evaluate any additional information submitted by the applicant within the 30-day period. If the Regional Administrator determines that the additional information addresses deficiencies in the proposed IPA, the Regional Administrator will approve the proposed IPA under paragraphs (f)(12)(iv)(B) and (f)(12)(v)(A) of this section. However, if, after consideration of the original proposed IPA and any additional information submitted during the 30-day period, NMFS determines that the proposed IPA does not comply with the requirements of paragraph (f)(12) of this section, NMFS will issue an initial administrative determination (IAD) providing the reasons for disapproving the proposed IPA.

(3) Administrative Appeals. An applicant who receives an IAD disapproving a proposed IPA may appeal under the procedures set forth at § 679.43. If the applicant fails to file an appeal of the IAD pursuant to § 679.43, the IAD will become the final agency action. If the IAD is appealed and the final agency action is a determination to approve the proposed IPA, then the IPA will be effective as described in paragraph (f)(12)(iv)(B) of this section.

(4) While appeal of an IAD disapproving a proposed IPA is pending, proposed members of the IPA subject to the IAD that are not currently members of an approved IPA would fish under the opt-out allocation under paragraph (f)(5) of this section. If no other IPA has been approved by NMFS, NMFS will issue all sectors allocations of the 47,591 Chinook salmon PSC limit as described in paragraph (f)(3)(iii)(B) of this section.

(vi) Public release of an IPA. NMFS will make all proposed IPAs and all approved IPAs and the list of participants in each approved IPA available to the public on the NMFS Alaska Region website (<http://alaskafisheries.noaa.gov/>).

(vii) IPA Annual Report. The representative of each approved IPA must submit a written annual report to the Council at the address specified in §679.61(f). The Council will make the annual report available to the public.

(A) Submission deadline. The annual report must be postmarked or received by the Council no later than April 1 of each year following the year in which the IPA is first effective.

(B) Information requirements. The annual report must contain the following information:

(1) A comprehensive description of the incentive measures in effect in the previous year;

(2) A description of how these incentive measures affected individual vessels;

(3) An evaluation of whether incentive measures were effective in achieving salmon savings beyond levels that would have been achieved in absence of the measures; and

(4) A description of any amendments to the terms of the IPA that were approved by NMFS since the last annual report and the reasons that the amendments to the IPA were made.

(g) BS Non-Chinook Salmon Bycatch Management--(1) Requirements for the non-Chinook salmon bycatch reduction intercooperative agreement (ICA)--(i) Application. The ICA representative identified in paragraph (g)(2)(i)(B) of this section must submit a signed copy of the proposed non-Chinook salmon bycatch reduction ICA, or any proposed amendments to the ICA, to NMFS at the address in paragraph (b)(6) of this section.

(ii) Deadline. For any ICA participant to be exempt from closure of the Chum Salmon Savings Area as described at paragraph (e)(7)(ix) of this section and at § 679.22(a)(10), the ICA must be filed in compliance with the requirements of this section, and approved by NMFS. The proposed non-Chinook salmon bycatch reduction ICA or any amendments to an approved ICA must be postmarked or received by NMFS by December 1 of the year before the year in which the ICA is proposed to be effective. Exemptions from closure of the Chum Salmon Savings Area will expire upon termination of the initial ICA, expiration of the initial ICA, or if superseded by a NMFS-approved amended ICA.

(2) Information requirements. The ICA must include the following provisions:

(i) Participants--(A) The names of the AFA cooperatives and CDQ groups participating in the ICA. Collectively, these groups are known as parties to the ICA. Parties to the ICA must agree to comply with all provisions of the ICA.

(B) The name, business mailing address, business telephone number, business fax number, and business e-mail address of the ICA representative.

(C) The ICA also must identify one entity retained to facilitate vessel bycatch avoidance behavior and information sharing.

(D) The ICA must identify at least one third party group. Third party groups include any organizations representing western Alaskans who depend on non-Chinook salmon and have an interest in non-Chinook salmon bycatch reduction but do not directly fish in a groundfish fishery.

(ii) The names, Federal fisheries permit numbers, and USCG documentation numbers of vessels subject to the ICA.

(iii) Provisions that dictate non-Chinook salmon bycatch avoidance behaviors for vessel operators subject to the ICA, including:

(A) Initial base rate. The initial B season non-Chinook salmon base rate shall be 0.19 non-Chinook salmon per metric ton of pollock.

(B) Inseason adjustments to the non-Chinook base rate calculation. Beginning July 1 of each fishing year and on each Thursday during the B season, the B season non-Chinook base rate shall be recalculated. The recalculated non-Chinook base rate shall be the three week rolling average of the B season non-Chinook bycatch rate for the current year. The recalculated base rate shall be used to determine bycatch avoidance areas.

(C) ICA Chum Salmon Savings Area notices. On each Thursday and Monday after June 10 of each year for the duration of the pollock "B" season, the entity identified under paragraph (g)(2)(i)(C) of this section must provide notice to the parties to the salmon bycatch reduction ICA and NMFS identifying one or more areas designated "ICA Chum Savings Areas" by a series

of latitude and longitude coordinates. The Thursday notice must be effective from 6:00 p.m. A.l.t. the following Friday through 6:00 p.m. A.l.t. the following Tuesday. The Monday notice must be effective from 6:00 p.m. A.l.t. the following Tuesday through 6:00 p.m. A.l.t. the following Friday. For any ICA Salmon Savings Area notice, the maximum total area closed must be at least 3,000 square miles for ICA Chum Savings Area closures.

(D) Fishing restrictions for vessels assigned to tiers. For vessels in a cooperative assigned to Tier 3, the ICA Chum Salmon Savings Area closures announced on Thursdays must be closed to directed fishing for pollock, including pollock CDQ, for seven days. For vessels in a cooperative assigned to Tier 2, the ICA Chum Salmon Savings Area closures announced on Thursdays must be closed through 6 p.m. Alaska local time on the following Tuesday. Vessels in a cooperative assigned to Tier 1 may operate in any area designated as an ICA Chum Salmon Savings Area.

(E) Cooperative tier assignments. Initial and subsequent base rate calculations must be based on each cooperative's pollock catch for the prior two weeks and the associated bycatch of non-Chinook salmon taken by its members. Base rate calculations shall include non-Chinook salmon bycatch and pollock caught in both the CDQ and non-CDQ pollock directed fisheries. Cooperatives with non-Chinook salmon bycatch rates of less than 75 percent of the base rate shall be assigned to Tier 1. Cooperatives with non-Chinook salmon bycatch rates of equal to or greater than 75 percent, but less than or equal to 125 percent of the base rate shall be assigned to Tier 2. Cooperatives with non-Chinook salmon bycatch rates of greater than 125 percent of the base rate shall be assigned to Tier 3. ~~Bycatch rates for Chinook salmon must be calculated separately from non-Chinook salmon, and cooperatives must be assigned to tiers based on non-Chinook salmon bycatch.~~

(iv) Internal monitoring and enforcement provisions to ensure compliance of fishing activities with the provisions of the ICA. The ICA must include provisions allowing any party of the ICA to bring civil suit or initiate a binding arbitration action against another party for breach of the ICA. The ICA must include minimum annual uniform assessments for any violation of savings area closures of \$10,000 for the first offense, \$15,000 for the second offense, and \$20,000 for each offense thereafter.

(v) Provisions requiring the parties to conduct an annual compliance audit, and to cooperate fully in such audit, including providing information required by the auditor. The compliance audit must be conducted by a non-party entity, and each party must have an opportunity to participate in selecting the non-party entity. If the non-party entity hired to conduct a compliance audit discovers a previously undiscovered failure to comply with the terms of the ICA, the non-party entity must notify all parties to the ICA of the failure to comply and must simultaneously distribute to all parties of the ICA the information used to determine the failure to comply occurred and must include such notice(s) in the compliance report.

(vi) Provisions requiring data dissemination in certain circumstances. If the entity retained to facilitate vessel bycatch avoidance behavior and information sharing under paragraph (g)(2)(i)(C) of this section determines that an apparent violation of an ICA Chum Salmon Savings Area closure has occurred, that entity must promptly notify the Board of Directors of the cooperative to which the vessel involved belongs. If this Board of Directors fails to assess a minimum uniform assessment within 180 days of receiving the notice, the information used by the entity to determine if an apparent violation was committed must be disseminated to all parties to the ICA.

(3) NMFS review of the proposed ICA and amendments. NMFS will approve the initial or an amended ICA if it meets all the requirements specified in paragraph (g) of this section. If NMFS disapproves a proposed ICA, the ICA representative may resubmit a revised ICA or file an administrative appeal as set forth under the administrative appeals procedures described at § 679.43.

(4) ICA Annual Report. The ICA representative must submit a written annual report to the Council at the address specified in § 679.61(f). The Council will make the annual report available to the public.

(i) Submission deadline. The ICA annual report must be postmarked or received by the Council by April 1 of each year following the year in which the ICA is first effective.

(ii) Information requirements. The ICA annual report must contain the following information:

(A) An estimate of the number of non-Chinook salmon avoided as demonstrated by the movement of fishing effort away from Chum Salmon Savings Areas, and

(B) The results of the compliance audit required at § 679.21(g)(2)(v).

86. In § 679.22, revise paragraph (a)(10) and (h) to read as follows:

§ 679.22 Closures.

* * * * *

(a) * * *

(10) Chum Salmon Savings Area. Directed fishing for pollock by vessels using trawl gear is prohibited from August 1 through August 31 in the Chum Salmon Savings Area defined at Figure 9 to this part (see also § 679.21(e)(7)(vii)). Vessels directed fishing for pollock in the BS, including pollock CDQ, and operating under a non-Chinook salmon bycatch reduction ICA approved under § 679.21(g) are exempt from closures in the Chum Salmon Savings Area.

* * * * *

(h) CDQ fisheries closures. See § 679.7(d)(8) for time and area closures that apply to the CDQ fisheries once the non-Chinook salmon PSQ and the crab PSQs have been reached.

* * * * *

97. In § 679.26,

Revise paragraph (c)(1) to read as follows:

§ 679.26 Prohibited Species Donation Program

* * * * *

(c) * * *

(1) A vessel or processor retaining prohibited species under the PSD program must comply with all applicable recordkeeping and reporting requirements. A vessel or processor participating in the BS pollock fishery and PSD program must comply with applicable regulations at §§ 679.7(d) and (k), 679.21(c), and 679.28, including allowing the collection of data and biological sampling by an observer prior to processing any fish under the PSD program.

* * * * *

108. In § 679.28,

A. Redesignate paragraphs (d)(7) and (d)(8) as paragraphs (d)(8) and (d)(9), respectively;

B. Add paragraphs (d)(7), ~~(g)(7)(vi)(C)~~, ~~(g)(7)(vii)(F)~~, and (g)(7)(x)(F); and

C. Revise newly redesignated paragraph (d)(9)(i)(H) and paragraphs (g)(2)(i), (g)(7)(vii)(A) and (C), (g)(7)(ix)(A), and (g)(7)(x)(D) and (E);

D. Add paragraph (j); and

E. Redesignate paragraphs (i)(1)(iii), (iv), and (v) as paragraphs (i)(1)(ii), (iii), and (iv), respectively.

The revisions and additions read as follows:

§ 679.28 Equipment and operational requirements.

* * * * *

(d) * * *

(7) Catcher/processors and motherships in the BS pollock fishery, including pollock CDQ. Catcher/processors directed fishing for pollock in the BS or motherships taking deliveries from vessels directed fishing for pollock in the BS also must meet the following requirements:

- (i) A container to store salmon must be located adjacent to the observer sampling station;
- (ii) All salmon stored in the container must remain in view of the observer at the observer sampling station at all times during the sorting of each haul; and
- (iii) The container to store salmon must be at least 1.5 cubic meters.

* * * * *

(9) * * *

(i) * * *

(H) For catcher/processors using trawl gear and motherships, a diagram drawn to scale showing the location(s) where all catch will be weighed, the location where observers will sample unsorted catch, and the location of the observer sampling station including the observer sampling scale. For catcher/processors directed fishing for pollock in the BS or motherships taking deliveries from catcher vessels directed fishing for pollock in the BS, including pollock CDQ, the diagram also must include the location of the last point of sorting in the factory and the location of the salmon storage container required under paragraph (d)(7) of this section.

* * * * *

(g) Catch monitoring and control plan requirements (CMCP).

* * * * *

(2) * * *

(i) AFA and CDQ pollock,

* * * * *

(7) * * *

(vi) * * *

(C) For shoreside processors or stationary floating processors taking deliveries from vessels directed fishing for pollock in the BS, including vessels directed fishing for pollock CDQ in the BS, the observation area must provide a clear, unobstructed view of the salmon storage container to ensure no salmon of any species are removed without the observer's knowledge.

(vii) * * *

(A) Location of observer work station. (1) The observer work station must be located in an area protected from the weather where the observer has access to unsorted catch.

(2) For shoreside processors or stationary floating processors taking deliveries from vessels directed fishing for pollock in the BS, including vessels directed fishing for pollock CDQ in the BS, the observer work station must be adjacent to the location where salmon will be counted and biological samples or scientific data are collected.

* * * * *

(C) Proximity of observer work station. (1) With the exception of paragraph (g)(7)(vii)(C)(2) of this section, the observer area/observation area must be located near the

observer work station. The plant liaison must be able to walk between the work station and the observation area in less than 20 seconds without encountering safety hazards.

~~(2) For shoreside processors or stationary floating processors taking deliveries from vessels directed fishing for pollock in the BS, including vessels directed fishing for pollock CDQ in the BS, the observer work station must be located within the observation area.~~

* * * * *

~~(F) For shoreside processors or stationary floating processors taking deliveries from vessels directed fishing for pollock in the BS, including vessels directed fishing for pollock CDQ in the BS, the observation area also must include an area designated to store salmon.~~

* * * * *

(ix) * * *

(A) Orienting new observers to the plant and providing a copy of the approved CMCP;

* * * * *

(x) * * *

(D) The location of each scale used to weigh catch;

(E) Each location where catch is sorted including the last location where sorting could occur; and

(F) For shoreside processors or stationary floating processors taking deliveries from vessels directed fishing for pollock in the BS, including vessels directed fishing for pollock CDQ in the BS, the location of the salmon storage container.

* * * * *

(j) Electronic monitoring on catcher/processors and motherships in the BS pollock fishery, including pollock CDQ. The owner or operator of a catcher/processor or a mothership must provide and maintain an electronic monitoring system that includes cameras, a monitor, and a digital video recording system for all areas where sorting of salmon of any species takes place and the location of the salmon storage container described at paragraph (d)(7) of this section. These electronic monitoring system requirements must be met when the catcher/processor is directed fishing for pollock in the BS, including pollock CDQ, and when the mothership is taking deliveries from catcher vessels directed fishing for pollock in the BS, including pollock CDQ.

(1) What requirements must a vessel owner or operator comply with for an electronic monitoring system?

(i) The system must have sufficient data storage capacity to store all video data from an entire trip. Each frame of stored video data must record a time/date stamp in Alaska local time (A.l.t.). At a minimum, all periods of time when fish are flowing past the sorting area or salmon are in the storage container must be recorded and stored.

(ii) The system must include at least one external USB (1.1 or 2.0) port or other removable storage device approved by NMFS.

(iii) The system must use commercially available software.

(iv) Color cameras must have at a minimum 470 TV lines of resolution, auto-iris capabilities, and output color video to the recording device with the ability to revert to black and white video output when light levels become too low for color recognition.

(v) The video data must be maintained and made available to NMFS staff, or any individual authorized by NMFS, upon request. These data must be retained onboard the vessel

for no less than 120 days after the date the video is recorded, unless NMFS has notified the vessel operator that the video data may be retained for less than this 120-day period.

(vi) The system must provide sufficient resolution and field of view to observe all areas where salmon could be sorted from the catch, all crew actions in these areas, and discern individual fish in the salmon storage container.

(vii) The system must record at a speed of no less than 5 frames per second at all times when fish are being sorted or when salmon are stored in the salmon storage location.

(viii) A 16-bit or better color monitor, for viewing all areas where sorting of salmon of any species takes place and the salmon storage container~~activities within the tank~~ in real time, must be provided within the observer sampling station. The monitor must—

(A) Have the capacity to display all cameras simultaneously;

(B) Be operating at all times when fish are flowing past the sorting area and salmon are in the storage container; and

(C) Be securely mounted at or near eye level.

(ix) ~~The observer~~ NMFS staff, or any individual authorized by NMFS, must be able to view any earlier footage from any point in the trip and be assisted by crew knowledgeable in the operation of the system.

(x) A vessel owner or operator must arrange for NMFS to inspect the electronic monitoring system and maintain a current NMFS-issued electronic monitoring system inspection report onboard the vessel at all times the vessel is required to provide an approved electronic monitoring system.

(2) How does a vessel owner arrange for NMFS to conduct an electronic monitoring system inspection? The owner or operator must submit an Inspection Request for an Electronic Monitoring System to NMFS by fax (206-526-4066) or e-mail (station.inspections@noaa.gov). The request form is available on the NMFS Alaska Region website (<http://alaskafisheries.noaa.gov/>) or from NMFS at the address or phone number in paragraph (b)(6) of this section. NMFS will coordinate with the vessel owner to schedule the inspection no later than 10 working days after NMFS receives a complete request form.

(3) What additional information is required for an electronic monitoring system inspection?

(i) A diagram drawn to scale showing all locations where salmon will be sorted, the location of the salmon storage container, the location of each camera and its coverage area, and the location of any additional video equipment must be submitted with the request form.

(ii) Any additional information requested by the Regional Administrator.

(4) How does a vessel owner make a change to the electronic monitoring system? Any change to the electronic monitoring system that would affect the system's functionality must be submitted to, and approved by, the Regional Administrator in writing before that change is made.

(5) Where will NMFS conduct electronic monitoring system inspections? Inspections will be conducted on vessels tied to docks at Dutch Harbor, Alaska; Kodiak, Alaska; and in the Puget Sound area of Washington State.

(6) What is an electronic monitoring system inspection report? After an inspection, NMFS will issue an electronic monitoring system inspection report to the vessel owner, if the electronic monitoring system meets the requirements of paragraph (j)(1) of this section. The electronic monitoring system report is valid for 12 months from the date it is issued by NMFS. The electronic monitoring system inspection report must be made available to the observer, NMFS personnel, or to an authorized officer upon request.

119. In § 679.50,

A. Revise paragraph (c)(1) introductory text, paragraph (c)(4)(iv), and (c)(5) heading; and

B. Add a new paragraph (c)(5)(i)(D).

The addition and revisions read as follows:

§ 679.50 Groundfish Observer Program.

(c) ***

(1) Unless otherwise specified in paragraphs (c)(4) through (7) of this section, observer coverage is required as follows:

(4) ***

(iv) Catcher vessel using trawl gear--(A) Groundfish CDQ fishing. A catcher vessel equal to or greater than 60 ft (18.3 m) LOA using trawl gear, except a catcher vessel that delivers only unsorted codends to a processor or another vessel or a catcher vessel directed fishing for pollock CDQ in the BS, must have at least one level 2 observer as described at paragraph (j)(1)(v)(D) of this section aboard the vessel at all times while it is groundfish CDQ fishing.

(B) BS pollock CDQ fishery. A catcher vessel using trawl gear, except a catcher vessel that delivers only unsorted codends to a processor or another vessel, must have at least one observer aboard the vessel at all times while it is directed fishing for pollock CDQ in the BS.

(5) AFA and AI directed pollock fishery.

(i) ***

(D) AFA catcher vessels in the BS pollock fishery. A catcher vessel using trawl gear, except a catcher vessel that delivers only unsorted codends to a processor or another vessel, must have at least one observer aboard the vessel at all times while it is directed fishing for pollock in the BS.

120. In § 679.61, revise paragraphs (f)(1), (f)(2) introductory text, and (f)(2)(vi) to read as follows:

§ 679.61 Formation and operation of fishery cooperatives.

(f) ***

~~(1) What are the submission deadlines? The fishery cooperative must submit the final report by April 1 of the following year. Annual reports must be postmarked or received by the submission deadline.~~

~~(2) What information must be included? The annual report must contain, at a minimum:~~

~~(2) ***~~

(vi) The number of salmon taken by species and season, and list each vessel's number of appearances on the weekly "dirty 20" lists for non-Chinook salmon.

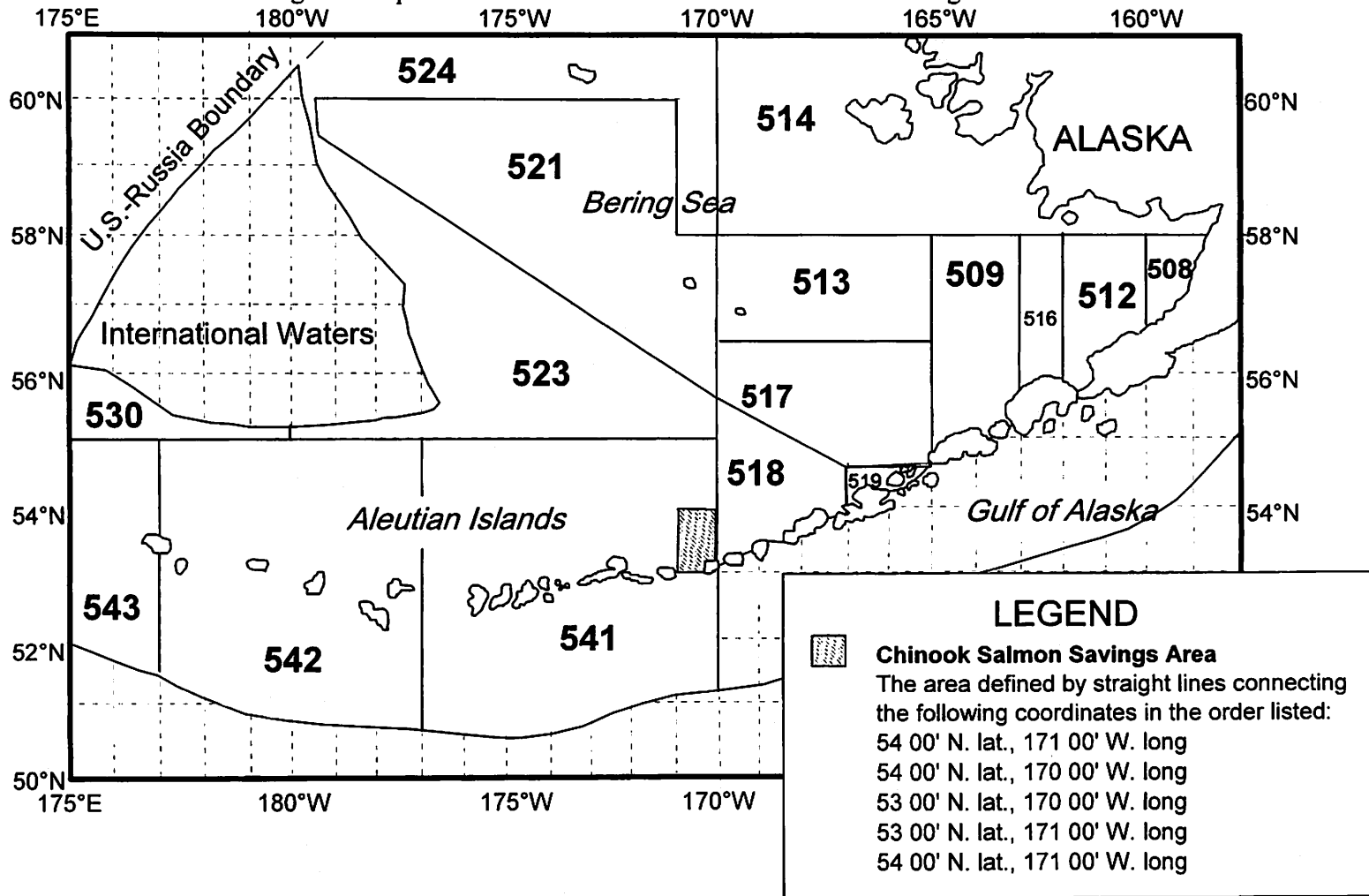
§§ 679.2, 679.5, 679.7, 679.20, 679.21, 679.26, 679.27, 679.28, and 679.32, 679.61, and § 679.93. [Amended]

131. At each of the locations shown in the "Location" column of the following table, remove the phrase indicated in the "Remove" column and replace it with the phrase indicated in the "Add" column for the number of times indicated in the "Frequency" column.

Location	Remove	Add	Frequency
§ 679.2 Definition "AFA trawl catcher/processor"	AFA trawl catcher/processor	AFA catcher/processor	1
§ 679.2 Definition for "Amendment 80 vessel" paragraph (2)(i)	AFA trawl catcher/processor	AFA catcher/processor	1
§ 679.5(c)(3)(v)(F) and (c)(4)(v)(G)	certified observer(s)	observer(s)	2
§ 679.5(c)(6)(v)(E)	certified observer(s)	observer(s)	1
§ 679.7(d)(18)	§ 679.28(d)(8)	§ 679.28(d)(9)	1
§ 679.20(a)(5)(i)(A)(3)(i)	§ 679.62(e)	§ 679.62(a)	1
§ 679.20(a)(7)(iii)(B)	AFA trawl catcher/processor	AFA catcher/processor	1
§ 679.21(e)(3)(v)	AFA trawl catcher/processor	AFA catcher/processor	2
§ 679.26(c)(1)	§ 679.7(c)(1)	§ 679.7(c)(2)	1
§ 679.27(j)(5)(iii)	§ 679.28(d)(7)(i)	§ 679.28(d)(8)(i)	1
§ 679.28(d)(2)(ii)	§ 679.28(d)(7)(ii)(A)	paragraph (d)(8)(ii)(A) of this section	1
§ 679.28(d)(2)(ii)	§ 679.28(d)(7)(ii)(B)	paragraph (d)(8)(ii)(B) of this section	1
§ 679.32(b)	§ 679.7(d)(7) through (10)	§ 679.7(d)(8)	1
§ 679.32(d)(2)(ii)(B)(1)	§ 679.28(d)(8)	§ 679.28(d)(9)	1
§ 679.32(d)(4)(ii)	§ 679.28(d)(8)	§ 679.28(d)(9)	1
§ 679.61(f)(1)	<u>February 1</u>	<u>April 1</u>	<u>1</u>
§ 679.93(c)(9)	§ 679.28(i)	§ 679.28(i)(1)	1

142. The title, map, and legend for Figure 8 to part 679 are revised to read as follows:

Figure 8 to part 679. Aleutian Islands Chinook Salmon Savings Area



154. Tables 47a through 47d to part 679 are added to read as follows:

Table 47a to part 679

Percent of the AFA catcher/processor sector's pollock allocation, numbers of Chinook salmon used to calculate the opt-out allocation and annual threshold amount, and percent used to calculate IPA minimum participation assigned to each catcher/processor under § 679.21(f).

Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H
			Percent of C/P sector pollock	# of Chinook salmon for the opt-out allocation (8,093)		# of Chinook salmon for the annual performance threshold (13,516)	Percent used to calculate IPA minimum participation
Vessel Name	USCG Vessel Documentation #	AFA Permit #	Percent	A season	B season	Annual	Percent
American Dynasty	951307	3681	4.93%	324	76	667	1.78%
American Triumph	646737	4055	7.25%	475	111	979	2.61%
Northern Eagle	506694	3261	6.07%	398	93	820	2.19%
Northern Hawk	643771	4063	8.45%	554	129	1,142	3.04%
Northern Jaeger	521069	3896	7.38%	485	113	998	2.66%
Ocean Rover	552100	3442	6.39%	420	98	864	2.30%
Alaska Ocean	637856	3794	7.30%	479	112	985	2.63%
Island Enterprise	610290	3870	5.60%	367	86	756	2.01%
Kodiak Enterprise	579450	3671	5.90%	387	90	798	2.13%
Seattle Enterprise	904767	3245	5.48%	359	84	740	1.97%

Table 47a to part 679

Percent of the AFA catcher/processor sector's pollock allocation, numbers of Chinook salmon used to calculate the opt-out allocation and annual threshold amount, and percent used to calculate IPA minimum participation assigned to each catcher/processor under § 679.21(f).

Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H
			Percent of C/P sector pollock	# of Chinook salmon for the opt-out allocation (8,093)		# of Chinook salmon for the annual performance threshold (13,516)	Percent used to calculate IPA minimum participation
Vessel Name	USCG Vessel Documentation #	AFA Permit #	Percent	A season	B season	Annual	Percent
Arctic Storm	903511	2943	4.58%	301	70	619	1.65%
Arctic Fjord	940866	3396	4.46%	293	68	603	1.60%
Northern Glacier	663457	661	3.12%	205	48	422	1.12%
Pacific Glacier	933627	3357	5.06%	332	77	684	1.82%
Highland Light	577044	3348	5.14%	337	79	694	1.85%
Starbound	944658	3414	3.94%	259	60	533	1.42%
Ocean Peace	677399	2134	0.50%	33	8	68	0.18%
Katie Ann	518441	1996	0.00%	0	0	0	0.00%
U.S. Enterprise	921112	3004	0.00%	0	0	0	0.00%
American Enterprise	594803	2760	0.00%	0	0	0	0.00%
Endurance	592206	3360	0.00%	0	0	0	0.00%
American Challenger	633219	4120	0.78%	51	12	106	0.28%
Forum Star	925863	4245	0.61%	40	9	82	0.22%
Muir Milach	611524	480	1.13%	74	17	153	0.41%

Table 47a to part 679

Percent of the AFA catcher/processor sector's pollock allocation, numbers of Chinook salmon used to calculate the opt-out allocation and annual threshold amount, and percent used to calculate IPA minimum participation assigned to each catcher/processor under § 679.21(f).

Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H
			Percent of C/P sector pollock	# of Chinook salmon for the opt-out allocation (8,093)		# of Chinook salmon for the annual performance threshold (13,516)	Percent used to calculate IPA minimum participation
Vessel Name	USCG Vessel Documentation #	AFA Permit #	Percent	A season	B season	Annual	Percent
Neahkahnie	599534	424	1.66%	109	25	225	0.60%
Ocean Harvester	549892	5130	1.08%	71	16	145	0.39%
Sea Storm	628959	420	2.05%	134	31	276	0.74%
Tracy Anne	904859	2823	1.16%	76	18	157	0.42%
	TOTAL		100.00%	6,563	1,530	13,516	36.00%

Table 47b to part 679

Percent of the AFA mothership sector's pollock allocation, numbers of Chinook salmon used to calculate the opt-out allocation and annual threshold amount, and percent used to calculate IPA minimum participation assigned to each mothership under § 679.21(f).

Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H
Vessel Name	USCG Vessel Documentation #	AFA Permit #	Percent	A season	B season	Annual	Percent
American Beauty	613847	1688	6.000%	96	37	223	0.54%
Pacific Challenger	518937	657	9.671%	154	60	359	0.87%
Nordic Fury	542651	1094	6.177%	99	39	229	0.55%
Pacific Fury	561934	421	5.889%	94	37	218	0.53%
Margaret Lyn	615563	723	5.643%	90	35	209	0.51%
Misty Dawn	926647	5946	3.569%	57	22	132	0.32%
Vanguard	617802	519	5.350%	85	33	199	0.48%
California Horizon	590758	412	3.786%	61	24	140	0.34%
Oceanic	602279	1667	7.038%	112	44	261	0.63%
Mar-Gun	525608	524	6.251%	100	39	231	0.56%
Mark 1	509552	1242	6.251%	100	39	231	0.56%
Aleutian Challenger	603820	1687	4.926%	79	31	182	0.44%
Ocean Leader	561518	1229	6.000%	96	37	223	0.54%
Papado II	536161	2087	2.953%	47	18	110	0.27%
Morning Star	618797	7270	3.601%	57	23	134	0.32%
Traveler	929356	3404	4.272%	68	27	158	0.38%
Vesteraalen	611642	517	6.201%	99	39	230	0.56%
Alyeska	560237	395	2.272%	36	14	84	0.20%

Table 47b to part 679

Percent of the AFA mothership sector's pollock allocation, numbers of Chinook salmon used to calculate the opt-out allocation and annual threshold amount, and percent used to calculate IPA minimum participation assigned to each mothership under § 679.21(f).

Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H
			Percent of MS sector pollock	# of Chinook salmon for the opt-out allocation (2,220)		# of Chinook salmon for the annual threshold amount (3,707)	Percent used to calculate IPA minimum participation
Vessel Name	USCG Vessel Documentation #	AFA Permit #	Percent	A season	B season	Annual	Percent
Western Dawn	524423	134	4.150%	66	26	154	0.37%
		TOTAL	100.000%	1,596	624	3,707	9.00%

Table 47c to part 679

Percent of the AFA inshore sector's pollock allocation, numbers of Chinook salmon used to calculate the opt-out allocation and annual threshold amount, and percent used to calculate IPA minimum participation assigned to each catcher vessel under § 679.21(f).

Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H
Vessel Name	USCG Vessel Documentation #	AFA Permit #	Percent	A season	B season	Annual	Percent
AJ	599164	3405	<u>0.6958%</u> 0.70%	69	41	185	0.31%
Alaska Rose	610984	515	<u>1.6835%</u> 1.68%	167	100	446	0.76%
Alaskan Command	599383	3391	<u>0.3711%</u> 0.37%	37	22	99	0.17%
Aldebaran	664363	901	<u>1.4661%</u> 1.47%	146	87	388	0.66%
Alsea	626517	2811	<u>1.6635%</u> 1.66%	165	99	441	0.75%
Alyeska	560237	395	<u>1.2192%</u> 1.22%	121	72	323	0.55%
American Beauty	613847	1688	<u>0.0425%</u> 0.04%	4	2	11	0.02%
American Eagle	558605	434	<u>1.0682%</u> 1.07%	106	63	283	0.48%
Anita J	560532	1913	<u>0.4999%</u> 0.50%	50	30	132	0.22%
Arctic Explorer	936302	3388	<u>1.6236%</u> 1.62%	161	96	430	0.73%
Arctic Wind	608216	5137	<u>1.1034%</u> 1.10%	110	65	292	0.50%
Arcturus	655328	533	<u>1.5450%</u> 1.54%	153	91	409	0.70%
Argosy	611365	2810	<u>1.6330%</u> 1.63%	162	97	433	0.73%
Auriga	639547	2889	<u>3.0981%</u> 3.10%	308	184	820	1.39%
Aurora	636919	2888	<u>3.0990%</u> 3.10%	308	184	821	1.39%
Bering Rose	624325	516	<u>1.7238%</u> 1.72%	171	102	457	0.78%
Blue Fox	979437	4611	<u>0.3140%</u> 0.31%	31	19	83	0.14%
Bristol Explorer	647985	3007	<u>1.5398%</u> 1.54%	153	91	408	0.69%
Caitlin Ann	960836	3800	<u>0.9357%</u> 0.94%	93	55	248	0.42%

Table 47c to part 679

Percent of the AFA inshore sector's pollock allocation, numbers of Chinook salmon used to calculate the opt-out allocation and annual threshold amount, and percent used to calculate IPA minimum participation assigned to each catcher vessel under § 679.21(f).

Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H
Vessel Name	USCG Vessel Documentation #	AFA Permit #	Percent	A season	B season	Annual	Percent
Cape Kiwanda	618158	1235	<u>0.2282%</u> 0.23%	23	13	61	0.10%
Chelsea K	976753	4620	<u>4.6467%</u> 4.65%	462	275	1231	2.09%
Collier Brothers	593809	2791	<u>0.1534%</u> 0.15%	15	9	41	0.07%
Columbia	615729	1228	<u>1.4429%</u> 1.44%	143	85	382	0.65%
Commodore	914214	2657	<u>1.2595%</u> 1.26%	125	75	334	0.57%
Defender	554030	3257	<u>3.4822%</u> 3.48%	346	206	923	1.57%
Destination	571879	3988	<u>2.1528%</u> 2.15%	214	128	570	0.97%
Dominator	602309	411	<u>1.7505%</u> 1.75%	174	104	463	0.79%
Dona Martita	651751	2047	<u>2.1033%</u> 2.10%	209	125	557	0.95%
Elizabeth F	526037	823	<u>0.3835%</u> 0.38%	38	23	102	0.17%
Excalibur II	636602	410	<u>0.5200%</u> 0.52%	52	31	137	0.23%
Exodus Explorer	598666	1249	<u>0.2990%</u> 0.30%	30	18	80	0.13%
Fierce Allegiance	588849	4133	<u>0.9377%</u> 0.94%	93	56	249	0.42%
Flying Cloud	598380	1318	<u>1.6410%</u> 1.64%	163	97	434	0.74%
Gold Rush	521106	1868	<u>0.4062%</u> 0.41%	40	24	107	0.18%
Golden Dawn	604315	1292	<u>1.7532%</u> 1.75%	174	104	464	0.79%
Golden Pisces	599585	586	<u>0.2706%</u> 0.27%	27	16	72	0.12%
Great Pacific	608458	511	<u>1.2361%</u> 1.24%	123	73	327	0.56%
Gun-Mar	640130	425	<u>2.2201%</u> 2.22%	221	132	588	1.00%
Half Moon Bay	615796	249	<u>0.5859%</u> 0.59%	58	35	155	0.26%

Table 47c to part 679

Percent of the AFA inshore sector's pollock allocation, numbers of Chinook salmon used to calculate the opt-out allocation and annual threshold amount, and percent used to calculate IPA minimum participation assigned to each catcher vessel under § 679.21(f).

Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H
			Percent of sector pollock	# of Chinook salmon for the opt-out allocation (15,858)		# of Chinook salmon for the annual threshold amount (26,485)	Percent used to calculate IPA minimum participation
Vessel Name	USCG Vessel Documentation #	AFA Permit #	Percent	A season	B season	Annual	Percent
Hazel Lorraine	592211	523	<u>0.3847%</u> 0.38%	38	23	102	0.17%
Hickory Wind	594154	993	<u>0.3055%</u> 0.31%	30	18	81	0.14%
Intrepid Explorer	988598	4993	<u>1.1458%</u> 1.15%	114	68	303	0.52%
Leslie Lee	584873	1234	<u>0.5480%</u> 0.55%	54	32	145	0.25%
Lisa Melinda	584360	4506	<u>0.2192%</u> 0.22%	22	13	58	0.10%
Majesty	962718	3996	<u>0.9958%</u> 1.00%	99	59	263	0.45%
Marcy J	517024	2142	<u>0.1799%</u> 0.18%	18	11	48	0.08%
Margaret Lyn	615563	723	<u>0.0341%</u> 0.03%	3	2	9	0.02%
Mar-Gun	525608	524	<u>0.1043%</u> 0.10%	10	6	27	0.05%
Mark I	509552	1242	<u>0.0452%</u> 0.05%	4	3	12	0.02%
Messiah	610150	6081	<u>0.2291%</u> 0.23%	23	14	61	0.10%
Miss Berdie	913277	3679	<u>0.6110%</u> 0.61%	61	36	161	0.27%
Morning Star	610393	208	<u>1.6981%</u> 1.70%	169	101	450	0.76%
Ms Amy	920936	2904	<u>0.4882%</u> 0.49%	48	29	129	0.22%
Nordic Explorer	678234	3009	<u>1.1045%</u> 1.10%	110	65	292	0.50%
Nordic Fury	542651	1094	<u>0.0207%</u> 0.02%	2	1	5	0.01%
Nordic Star	584684	428	<u>1.0103%</u> 1.01%	100	60	268	0.45%
Northern Patriot	637744	2769	<u>2.4115%</u> 2.41%	240	143	639	1.09%
Northwest Explorer	609384	3002	<u>0.2387%</u> 0.24%	24	14	64	0.11%
Ocean Explorer	678236	3011	<u>1.3744%</u> 1.37%	137	81	364	0.62%

Table 47c to part 679

Percent of the AFA inshore sector's pollock allocation, numbers of Chinook salmon used to calculate the opt-out allocation and annual threshold amount, and percent used to calculate IPA minimum participation assigned to each catcher vessel under § 679.21(f).

Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H
			Percent of sector pollock	# of Chinook salmon for the opt-out allocation (15,858)		# of Chinook salmon for the annual threshold amount (26,485)	Percent used to calculate IPA minimum participation
Vessel Name	USCG Vessel Documentation #	AFA Permit #	Percent	A season	B season	Annual	Percent
Morning Star	652395	1640	<u>0.5290%</u> 0.53%	53	31	140	0.24%
Ocean Hope 3	652397	1623	<u>0.4175%</u> 0.42%	41	25	110	0.19%
Ocean Leader	561518	1229	<u>0.0545%</u> 0.05%	5	3	14	0.02%
Oceanic	602279	1667	<u>0.1348%</u> 0.13%	13	8	35	0.06%
Pacific Challenger	518937	657	<u>0.1680%</u> 0.17%	17	10	44	0.08%
Pacific Explorer	678237	3010	<u>1.2895%</u> 1.29%	128	76	342	0.58%
Pacific Fury	561934	421	<u>0.0121%</u> 0.01%	1	1	3	0.01%
Pacific Knight	561771	2783	<u>2.1816%</u> 2.18%	217	129	578	0.98%
Pacific Monarch	557467	2785	<u>1.5992%</u> 1.60%	159	95	423	0.72%
Pacific Prince	697280	4194	<u>2.4099%</u> 2.41%	239	143	638	1.08%
Pacific Ram	589115	4305	<u>0.2035%</u> 0.20%	20	12	54	0.09%
Pacific Viking	555058	422	<u>1.0909%</u> 1.09%	108	65	289	0.49%
Pegasus	565120	1265	<u>0.6950%</u> 0.69%	69	41	184	0.31%
Peggy Jo	502779	979	<u>0.3324%</u> 0.33%	33	20	88	0.15%
Perseverance	536873	2837	<u>0.2954%</u> 0.30%	29	17	78	0.13%
Poseidon	610436	1164	<u>1.2411%</u> 1.24%	123	73	329	0.56%
Predator	547390	1275	<u>0.1968%</u> 0.20%	20	12	52	0.09%
Progress	565349	512	<u>1.0118%</u> 1.01%	100	60	268	0.46%
Providian	1062183	6308	<u>0.3822%</u> 0.38%	38	23	101	0.17%
Raven	629499	1236	<u>0.7116%</u> 0.71%	71	42	188	0.32%

Table 47c to part 679

Percent of the AFA inshore sector's pollock allocation, numbers of Chinook salmon used to calculate the opt-out allocation and annual threshold amount, and percent used to calculate IPA minimum participation assigned to each catcher vessel under § 679.21(f).

Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H
Vessel Name	USCG Vessel Documentation #	AFA Permit #	Percent	A season	B season	Annual	Percent
Royal American	624371	543	<u>0.9698%</u> 0.97%	96	57	257	0.44%
Royal Atlantic	559271	236	<u>1.3095%</u> 1.31%	130	78	347	0.59%
Sea Wolf	609823	1652	<u>1.5156%</u> 1.52%	151	90	402	0.68%
Seadawn	548685	2059	<u>1.4108%</u> 1.41%	140	84	374	0.63%
Seeker	924585	2849	<u>0.3695%</u> 0.37%	37	22	98	0.17%
Sovereignty	651752	2770	<u>2.3513%</u> 2.35%	234	139	623	1.06%
Star Fish	561651	1167	<u>1.5114%</u> 1.51%	150	90	400	0.68%
Starlite	597065	1998	<u>1.2252%</u> 1.23%	122	73	324	0.55%
Starward	617807	417	<u>1.2611%</u> 1.26%	125	75	334	0.57%
Storm Petrel	620769	1641	<u>1.2334%</u> 1.23%	123	73	327	0.56%
Sunset Bay	598484	251	<u>0.5596%</u> 0.56%	56	33	148	0.25%
Topaz	575428	405	<u>0.0828%</u> 0.08%	8	5	22	0.04%
Traveler	929356	3404	<u>0.0413%</u> 0.04%	4	2	11	0.02%
Vanguard	617802	519	<u>0.0565%</u> 0.06%	6	3	15	0.03%
Viking	565017	1222	<u>1.6575%</u> 1.66%	165	98	439	0.75%
Viking Explorer	605228	1116	<u>1.1881%</u> 1.19%	118	70	315	0.53%
Walter N	257365	825	<u>0.4031%</u> 0.40%	40	24	107	0.18%
Western Dawn	524423	134	<u>0.3952%</u> 0.40%	39	23	105	0.18%
Westward I	615165	1650	<u>1.5544%</u> 1.55%	154	92	412	0.70%
		Total	100.00%	9,933	5,925	26,485	45.00%

Table 47d to part 679

Percent of the CDQ Program's pollock allocation, numbers of Chinook salmon used to calculate the opt-out allocation and annual threshold amount, and percent used to calculate IPA minimum participation assigned to each CDQ group under § 679.21(f).

Column A	Column B	Column C	Column D	Column E	Column F
	Percent of CDQ Program pollock	# of Chinook salmon for the opt-out allocation (2,325)		# of Chinook salmon for the annual threshold amount (3,883)	Percent used to calculate IPA minimum participation
CDQ group	Percent	A season	B season	Annual	Percent
APICDA	14.00%	260	66	544	1.40%
BBEDC	21.00%	389	99	816	2.10%
CBSFA	5.00%	93	23	194	0.50%
CVRF	24.00%	445	113	931	2.40%
NSEDC	22.00%	408	103	854	2.20%
YDFDA	14.00%	260	66	544	1.40%
TOTAL	100.00%	1,855	470	3,883	10.00%



U.S. FISH and WILDLIFE SERVICE
BUREAU of LAND MANAGEMENT
NATIONAL PARK SERVICE
BUREAU of INDIAN AFFAIRS
FWS/OSM 10025/FD

Federal Subsistence Board
1011 E. Tudor Rd., MS 121
Anchorage, Alaska 99503-6199

AGENDA B-2
Supplemental
JUNE 2010



U.S. FOREST SERVICE

MAY 3 2010

RECEIVED
MAY - 5 2010

Robert D. Mecum, Acting Administrator
National Marine Fisheries Service, Alaska Region
P.O. Box 21668
Juneau, Alaska 99802

Dear Mr. Mecum:

The Federal Subsistence Board appreciates the opportunity to provide its comments and recommendation on the *Proposed Rule for the Implementation of Amendment 91 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area*. The Board's composition and a description of its responsibilities under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) were provided in a February 8, 2008 letter to your agency.

The Board and the Bristol Bay, Seward Peninsula, Yukon-Kuskokwim Delta, Western Interior, and Eastern Interior Subsistence Regional Advisory Councils, which advise the Board, have established a record concerning this issue. These five councils represent Federally-qualified subsistence users of Western Alaska salmon stocks affected by this proposed rule and the actions of the Bering Sea/Aleutian Islands commercial Pollock fishing industry. The Board reiterates its recommendation that a Chinook salmon hard cap of 29,323 be adopted. This alternative would assist in ensuring that enough Chinook salmon return to Western and Interior Alaska rivers to meet spawning escapement requirements and provide for the subsistence uses of over 120 communities representing approximately 60,000 rural residents in the Arctic-Yukon-Kuskokwim and Bristol Bay regions. The *Final Environmental Impact Statement on Bering Sea Chinook Salmon Bycatch Management* points out that this level of bycatch would have provided the "greatest benefit" in adult equivalent Chinook salmon savings for Western and Interior Alaska stocks for the years 2003-2007 at all levels of bycatch. Had this hard cap been in place during those years, an increase return of an estimated 37,345 Chinook salmon to Western and Interior Alaska in the highest bycatch year of 2007 would have been realized. While the Board acknowledges and appreciates that BSAI Chinook salmon bycatch was significantly lower in 2009, a hard cap of 29,323 is still needed.

The Board's recommended level of bycatch comes closest to the stipulation in the U.S./Canada Yukon River Salmon Agreement, signed in 2002, which requires the United States to increase in-river returns of Yukon River origin salmon by reducing marine catches and bycatches of Yukon River salmon. The recommended hard cap of 29,323 represents the five-year average (1997-2001) of Chinook salmon bycatch just prior to the signing of the U.S./Canada Yukon River Salmon Agreement.

The Board again urges the National Marine Fisheries Service and the North Pacific Fishery Management Council to take actions that significantly reduce the amount of Chinook salmon bycatch in the BSAI Pollock fishery. It is the Board's judgment that neither of the hard cap amounts in the Preferred Alternative (60,000 and 47,591) represents a reduction in Chinook salmon bycatch, but rather is an allowance for higher bycatch. This allowance appears to be in direct conflict with the National Marine Fisheries Service's stated management goal to avoid bycatch of a prohibited species, of which Chinook salmon is one. Therefore, the Preferred Alternative should not be adopted into regulation.

Please be aware that in-river conservation efforts have been taken recently to address low returns of important Western Alaska Chinook salmon runs. The Board believes that high BSAI Chinook salmon bycatch has been a contributing factor to the low returns. Specifically, in the Yukon River drainage, recent low runs of Chinook salmon led to declarations of disaster for local fishermen by the Secretary of Commerce for 2008 and 2009. In addition, both the Board and the Alaska Board of Fisheries adopted, in early 2010, a smaller maximum gillnet mesh size (7.5 inches) for the entire drainage as a way to provide protection for the larger, most productive Chinook salmon run component that shows signs of declining abundance.

In the Unalakleet River, Chinook salmon returns have declined precipitously since 2000. Commercial fishing directed at Chinook salmon has been largely non-existent since 2000 and severe restrictions and early closures have occurred in the subsistence and sport fisheries. Despite these measures, fishery managers have had difficulty meeting escapement goals. The Alaska Board of Fisheries declared Norton Sound Subdistrict 6 (Unalakleet) Chinook salmon a stock of yield-concern in 2004 and reaffirmed this classification in 2007. In January 2009, the Federal Subsistence Board also closed Federal public waters of the Unalakleet River to Chinook salmon fishing for all users in order to protect Chinook salmon at or near spawning areas.

Thank you for the opportunity to comment on the proposed rule. Please contact Peter J. Probasco, Assistant Regional Director, Office of Subsistence Management, at (907) 786-3888, if further information is needed. The Board will continue to monitor developments on this important issue and we look forward to the results of your efforts to significantly reduce Chinook salmon bycatch in the BSAI Pollock fishery.

Sincerely,



Michael R. Fleagle
Chair, Federal Subsistence Board

cc: Federal Subsistence Board members

Peter J. Probasco, Office of Subsistence Management
Interagency Staff Committee

Pat Pourchot, Special Assistant to Secretary of DOI for Alaska Affairs

Jack Reakoff, Chair, Western Interior Alaska Subsistence Regional Advisory Council

Lester Wilde, Chair, Yukon-Kuskokwim Delta Subsistence Regional Advisory Council

Sue Entsminger, Chair, Eastern Interior Alaska Subsistence Regional Advisory Council

Ralph Lohse, Chair, Southcentral Alaska Regional Advisory Council

Speridon Simeonoff, Sr., Chair, Kodiak/Aleutians Regional Advisory Council

Molly Chythlook, Chair, Bristol Bay Regional Advisory Council

R. Weaver Ivanoff, Chair, Seward Peninsula Alaska Regional Advisory Council

Bert Adams, Chair, Southeast Alaska Regional Advisory Council

Denby Lloyd, Commissioner, Alaska Department of Fish and Game

Eric Olson, Chair, North Pacific Fishery Management Council

David Balton, Deputy Assistant Secretary, Oceans and Fisheries, U.S. Department of State

**Eastern Interior, Western Interior, and Yukon-Kuskokwim Delta
Subsistence Regional Advisory Councils**

c/o Office of Subsistence Management

1011 E. Tudor Road M/S 121, Anchorage, Alaska 99503

Phone: 1-(907)-786-3888 or 1-800-478-1456, Fax: 1-(907)-786-3898

FWS/OSM 10027/FD

MAY 3 2010

RECEIVED
MAY - 5 2010

Robert D. Mecum, Acting Administrator
National Marine Fisheries Service, Alaska Region
P.O. Box 21668
Juneau, Alaska 99802

Dear Mr. Mecum:

The Yukon-Kuskokwim Delta, Western Interior Alaska and Eastern Interior Alaska Subsistence Regional Advisory Councils are taking this opportunity to collectively provide our comments and recommendations on the *Proposed Rule for the Implementation of Amendment 91 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area*. The Federal Subsistence Regional Advisory Councils are authorized by the Alaska National Interest Lands Conservation Act (ANILCA) and chartered under the Federal Advisory Committee Act. Section 805 of ANILCA and the Councils' charters establish each council's authority to initiate, review, and evaluate proposals for regulations, policies, management plans, and other matters related to, and to provide a forum for the expression of opinions and recommendations on, subsistence uses of fish and wildlife on Federal public lands within our respective regions.

With this letter, the Councils reiterate their recommendations that a Chinook salmon hard cap of 29,323 be adopted. This alternative would assist in ensuring that enough Chinook salmon return to Western and Interior Alaska rivers to meet spawning escapement requirements and provide for the subsistence uses of over 120 communities representing approximately 60,000 rural residents in the Arctic-Yukon-Kuskokwim and Bristol Bay regions. Your agency's *Final Environmental Impact Statement on Bering Sea Chinook Salmon Bycatch Management* points out that this level of bycatch would have provided the "greatest benefit" in adult equivalent Chinook salmon savings for Western and Interior Alaska stocks for the years 2003-2007 at all levels of bycatch. Had this hard cap been in place during those years, an estimated increase in returns of 37,345 Chinook salmon to Western and Interior Alaska in the highest bycatch year of 2007 would have been realized.

In addition, the Council's recommended level of bycatch comes closest to the stipulation in the U.S./Canada Yukon River Salmon Agreement, signed in 2002, which requires the United States to increase in-river returns of Yukon River origin salmon by reducing marine catches and bycatches of Yukon River salmon. The hard cap of 29,323 represents the five-year average (1997-2001) of Chinook salmon bycatch immediately prior to the signing of the U.S./Canada Yukon River Salmon Agreement in 2002.

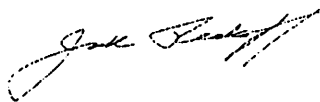
The three Councils again urge the National Marine Fisheries Service and the North Pacific Fishery Management Council to take actions that significantly reduce the amount of Chinook salmon bycatch in the BSAI Pollock fishery. It is the Council's collective judgment that neither of the hard cap amounts in the Preferred Alternative (60,000 and 47,591) represents a reduction in Chinook salmon bycatch, but rather is an allowance for higher bycatch. This allowance appears to be in direct conflict with your agency's stated management goal to avoid bycatch of a prohibited species, of which Chinook salmon is one. Therefore, the Preferred Alternative should not be adopted into regulation.

Thank you for the opportunity to comment on the proposed rule. Please contact Donald T. Rivard, Fish Biologist, Office of Subsistence Management, at (907) 786-3888, if further information is needed. We will continue to monitor developments on this important issue and look forward to the results of your efforts to significantly reduce Chinook salmon bycatch in the BSAI Pollock fishery.

Sincerely,



Lester Wilde, Chair
Yukon-Kuskokwim Delta
Subsistence Regional Advisory Council



Jack Reakoff, Chair
Western Interior Alaska
Subsistence Regional Advisory Council



Sue Entsminger, Chair
Eastern Interior Alaska
Subsistence Regional Advisory Council

cc: Interagency Staff Committee

Eric Olson, Chair, North Pacific Fishery Management Council

Peter J. Probasco, Office of Subsistence Management

Donald T. Rivard, Office of Subsistence Management

Western Interior Alaska Subsistence Regional Advisory Council

c/o Office of Subsistence Management

1011 E. Tudor Road M/S 121, Anchorage, Alaska 99503

Phone: 1-(907)-786-3888 or 1-800-478-1456, Fax: 1-(907)-786-3898

FWS/OSM 10028/FD

MAY 3 2010

Robert D. Mecum, Acting Administrator
National Marine Fisheries Service, Alaska Region
P.O. Box 21668
Juneau, Alaska 99802

RECEIVED
MAY - 5 2010

Dear Mr. Mecum:

The Western Interior Alaska Subsistence Regional Advisory Council is taking this opportunity to provide its comments and recommendation on the *Proposed Rule for the Implementation of Amendment 91 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area*. The Council is authorized by the Alaska National Interest Lands Conservation Act (ANILCA) and chartered under the Federal Advisory Committee Act. Section 805 of ANILCA and the Council's charter establish the Council's authority to initiate, review, and evaluate proposals for regulations, policies, management plans, and other matters related to, and to provide a forum for the expression of opinions and recommendations on, subsistence uses of fish and wildlife on Federal public lands within the Western Interior region.

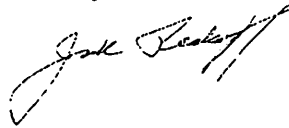
With this letter, the Council reiterates its recommendation that a Chinook salmon hard cap of 29,323 be adopted. This alternative would assist in ensuring that enough Chinook salmon return to Western and Interior Alaska rivers to meet spawning escapement requirements and provide for the subsistence uses of over 120 communities representing approximately 60,000 rural residents in the Arctic-Yukon-Kuskokwim and Bristol Bay regions. Your agency's *Final Environmental Impact Statement on Bering Sea Chinook Salmon Bycatch Management* points out that this level of bycatch would have provided the "greatest benefit" in adult equivalent Chinook salmon savings for Western and Interior Alaska stocks for the years 2003-2007 at all levels of bycatch. Had this hard cap been in place during those years, an estimated increase in returns of 37,345 Chinook salmon to Western and Interior Alaska in the highest bycatch year of 2007 would have been realized.

In addition, the Council's recommended level of bycatch comes closest to the stipulation in the U.S./Canada Yukon River Salmon Agreement, signed in 2002, which requires the United States to increase in-river returns of Yukon River origin salmon by reducing marine catches and bycatches of Yukon River salmon. The hard cap of 29,323 represents the five-year average (1997-2001) of Chinook salmon bycatch, immediately prior to the signing of the U.S./Canada Yukon River Salmon Agreement in 2002.

The Western Interior Alaska Subsistence Regional Advisory again urges the National Marine Fisheries Service and the North Pacific Fishery Management Council to take actions that significantly reduce the amount of Chinook salmon bycatch in the BSAI Pollock fishery. It is the Council's judgment that neither of the hard cap amounts in the Preferred Alternative (60,000 and 47,591) represents a reduction in Chinook salmon bycatch, but rather is an allowance for higher bycatch. This allowance appears to be in direct conflict with your agency's stated management goal to avoid bycatch of a prohibited species, of which Chinook salmon is one. Therefore, the Preferred Alternative should not be adopted into regulation.

Thank you for the opportunity to comment on the proposed rule. Please contact Donald T. Rivard, Fish Biologist, Office of Subsistence Management, at (907) 786-3888, if further information is needed. Our Council will continue to monitor developments on this important issue and look forward to the results of your efforts to significantly reduce Chinook salmon bycatch in the BSAI Pollock fishery.

Sincerely,



Jack Reakoff, Chair
Western Interior Alaska
Subsistence Regional Advisory Council

cc: Interagency Staff Committee

Lester Wilde, Chair, Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Sue Entsminger, Chair, Eastern Interior Alaska Subsistence Regional Advisory Council
Eric Olson, Chair, North Pacific Fishery Management Council
Peter J. Probasco, Office of Subsistence Management
Donald T. Rivard, Office of Subsistence Management

Seward Peninsula
Subsistence Regional Advisory Council
U. S. Fish and Wildlife Service
1011 E. Tudor Rd., MS 121
Anchorage, Alaska 99503-6199

FWS/OSM 10026/FD

APR 27 2010

Robert D. Mecum, Acting Administrator
National Marine Fisheries Service, Alaska Region
P.O. Box 21668
Juneau, Alaska 99802

RECEIVED
MAY - 4 2010

Dear Mr. Mecum:

The Seward Peninsula Subsistence Regional Advisory Council is taking this opportunity to provide its comments and recommendation on the *Proposed Rule for the Implementation of Amendment 91 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area*. The Council is authorized by the Alaska National Interest Lands Conservation Act (ANILCA) and chartered under the Federal Advisory Committee Act. Section 805 of ANILCA and the Council's charter establish the Council's authority to initiate, review, and evaluate proposals for regulations, policies, management plans, and other matters related to, and to provide a forum for the expression of opinions and recommendations on, subsistence uses of fish and wildlife on Federal public lands within the Seward Peninsula region.

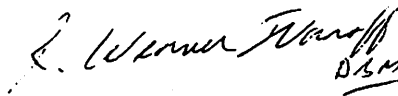
With this letter, the Council reiterates its recommendation that a Chinook salmon hard cap of 29,323 be adopted. This alternative would assist in ensuring that enough Chinook salmon return to Western and Interior Alaska rivers to meet spawning escapement requirements and provide for the subsistence uses of over 120 communities representing approximately 60,000 rural residents in the Arctic-Yukon-Kuskokwim and Bristol Bay regions. Your agency's *Final Environmental Impact Statement on Bering Sea Chinook Salmon Bycatch Management* points out that this level of bycatch would have provided the "greatest benefit" in adult equivalent Chinook salmon savings for Western and Interior Alaska stocks for the years 2003-2007 at all levels of bycatch. Had this hard cap been in place during those years, an estimated increase in returns of 37,345 Chinook salmon to Western and Interior Alaska in the highest bycatch year of 2007 would have been realized.

Please be aware that in-river conservation efforts have been taken recently to address low returns of some important Western Alaska Chinook salmon runs. The Council believes that high BSAI Chinook salmon bycatch has been a contributing factor to the low returns. Specifically, in the Unalakleet River Chinook salmon returns have declined precipitously since 2000. Commercial fishing directed at Chinook salmon has been largely non-existent since 2000 and severe restrictions and early closures have occurred in the subsistence and sport fisheries. Despite these measures, fishery managers have had difficulty meeting escapement goals. The Alaska Board of Fisheries declared Norton Sound Subdistrict 6 (Unalakleet) Chinook salmon a stock of yield concern in 2004 and reaffirmed this classification in 2007. In January 2009, the Federal Subsistence Board also closed Federal public waters of the Unalakleet River to Chinook salmon fishing for all users in order to protect Chinook salmon at or near spawning areas.

The Seward Peninsula Subsistence Regional Advisory Council again urges the National Marine Fisheries Service and the North Pacific Fishery Management Council to take actions that significantly reduce the amount of Chinook salmon bycatch in the BSAI Pollock fishery. It is the Council's judgment that neither of the hard cap amounts in the Preferred Alternative (60,000 and 47,591) represents a reduction in Chinook salmon bycatch, but rather is an allowance for higher bycatch. This allowance appears to be in direct conflict with your agency's stated management goal to avoid bycatch of a prohibited species, of which Chinook salmon is one. Therefore, the Preferred Alternative should not be adopted into regulation.

Thank you for the opportunity to comment on the proposed rule. Please contact Donald T. Rivard, Fish Biologist, Office of Subsistence Management, at (907) 786-3888, if further information is needed. Our Council will continue to monitor developments on this important issue and look forward to the results of your efforts to significantly reduce Chinook salmon bycatch in the BSAI Pollock fishery.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Weaver Ivanoff". Below the signature, the initials "D.S.M." are written in a smaller, more legible font.

R. Weaver Ivanoff, Chair
Seward Peninsula
Subsistence Regional Advisory Council

cc: Interagency Staff Committee
Eric Olson, Chair, North Pacific Fishery Management Council
Peter J. Probasco, Office of Subsistence Management
Donald T. Rivard, Office of Subsistence Management

Eastern Interior Alaska Subsistence Regional Advisory Council

c/o Office of Subsistence Management

1011 E. Tudor Road M/S 121, Anchorage, Alaska 99503

Phone: 1-(907)-786-3888 or 1-800-478-1456, Fax: 1-(907)-786-3898

FWS/OSM 10024/FD

APR 27 2010

Robert D. Mecum, Acting Administrator
National Marine Fisheries Service, Alaska Region
P.O. Box 21668
Juneau, Alaska 99802

Dear Mr. Mecum:

The Eastern Interior Alaska Subsistence Regional Advisory Council is taking this opportunity to provide its comments and recommendation on the *Proposed Rule for the Implementation of Amendment 91 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area*. The Council is authorized by the Alaska National Interest Lands Conservation Act (ANILCA) and chartered under the Federal Advisory Committee Act. Section 805 of ANILCA and the Council's charter establish the Council's authority to initiate, review, and evaluate proposals for regulations, policies, management plans, and other matters related to, and to provide a forum for the expression of opinions and recommendations on, subsistence uses of fish and wildlife on Federal public lands within the Eastern Interior region.

With this letter, the Council reiterates its recommendation that a Chinook salmon hard cap of 29,323 be adopted. This alternative would assist in ensuring that enough Chinook salmon return to Western and Interior Alaska rivers to meet spawning escapement requirements and provide for the subsistence uses of over 120 communities representing approximately 60,000 rural residents in the Arctic-Yukon-Kuskokwim and Bristol Bay regions. Your agency's *Final Environmental Impact Statement on Bering Sea Chinook Salmon Bycatch Management* points out that this level of bycatch would have provided the "greatest benefit" in adult equivalent Chinook salmon savings for Western and Interior Alaska stocks for the years 2003-2007 at all levels of bycatch. Had this hard cap been in place during those years, an estimated increase in returns of 37,345 Chinook salmon to Western and Interior Alaska in the highest bycatch year of 2007 would have been realized.

In addition, our recommended level of bycatch comes closest to the stipulation in the U.S./Canada Yukon River Salmon Agreement, signed in 2002, which requires the United States to increase in-river returns of Yukon River origin salmon by reducing marine catches and bycatches of Yukon River salmon. The hard cap of 29,323 represents the five-year average (1997-2001) of Chinook salmon bycatch immediately prior to the signing of the U.S./Canada Yukon River Salmon Agreement in 2002.

Robert D. Mecum, Acting Administrator

2

The Eastern Interior Alaska Subsistence Regional Advisory Council again urges the National Marine Fisheries Service and the North Pacific Fishery Management Council to take actions that significantly reduce the amount of Chinook salmon bycatch in the BSAI Pollock fishery. It is the Council's judgment that neither of the hard cap amounts in the Preferred Alternative (60,000 and 47,591) represents a reduction in Chinook salmon bycatch, but rather is an allowance for higher bycatch. This allowance appears to be in direct conflict with your agency's stated management goal to avoid bycatch of a prohibited species, of which Chinook salmon is one. Therefore, the Preferred Alternative should not be adopted into regulation.

Thank you for the opportunity to comment on the proposed rule. Please contact Donald T. Rivard, Fish Biologist, Office of Subsistence Management, at (907) 786-3888, if further information is needed. The Council will continue to monitor developments on this important issue and look forward to the results of your efforts to significantly reduce Chinook salmon bycatch in the BSAI Pollock fishery.

Sincerely,



Sue Entsminger, Chair
Eastern Interior Alaska
Subsistence Regional Advisory Council

cc: Interagency Staff Committee

Lester Wilde, Chair, Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Jack Reakoff, Chair, Western Interior Alaska Subsistence Regional Advisory Council
Eric Olson, Chair, North Pacific Fishery Management Council
Peter J. Probasco, Office of Subsistence Management
Donald T. Rivard, Office of Subsistence Management

Yukon-Kuskokwim Delta Subsistence Regional Advisory Council

c/o Office of Subsistence Management

1011 E. Tudor Road M/S 121, Anchorage, Alaska 99503

Phone: 1-(907)-786-3888 or 1-800-478-1456, Fax: 1-(907)-786-3898

FWS/OSM 10029/FD

APR 28 2010

Robert D. Mecum, Acting Administrator
National Marine Fisheries Service, Alaska Region
P.O. Box 21668
Juneau, Alaska 99802

Dear Mr. Mecum:

The Yukon-Kuskokwim Delta Subsistence Regional Advisory Council is taking this opportunity to provide its comments and recommendation on the *Proposed Rule for the Implementation of Amendment 91 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area*. The Council is authorized by the Alaska National Interest Lands Conservation Act (ANILCA) and chartered under the Federal Advisory Committee Act. Section 805 of ANILCA and the Council's charter establish the Council's authority to initiate, review, and evaluate proposals for regulations, policies, management plans, and other matters related to, and to provide a forum for the expression of opinions and recommendations on, subsistence uses of fish and wildlife on Federal public lands within the Yukon-Kuskokwim Delta region.

With this letter, the Council reiterates its recommendation that a Chinook salmon hard cap of 29,323 be adopted. This alternative would assist in ensuring that enough Chinook salmon return to Western and Interior Alaska rivers to meet spawning escapement requirements and provide for the subsistence uses of over 120 communities representing approximately 60,000 rural residents in the Arctic-Yukon-Kuskokwim and Bristol Bay regions. Your agency's *Final Environmental Impact Statement on Bering Sea Chinook Salmon Bycatch Management* points out that this level of bycatch would have provided the "greatest benefit" in adult equivalent Chinook salmon savings for Western and Interior Alaska stocks for the years 2003-2007 at all levels of bycatch. Had this hard cap been in place during those years, an estimated increase in returns of 37,345 Chinook salmon to Western and Interior Alaska in the highest bycatch year of 2007 would have been realized.

In addition, the Council's recommended level of bycatch comes closest to the stipulation in the U.S./Canada Yukon River Salmon Agreement, signed in 2002, which requires the United States to increase in-river returns of Yukon River origin salmon by reducing marine catches and bycatches of Yukon River salmon. The hard cap of 29,323 represents the five-year average (1997-2001) of Chinook salmon bycatch, immediately prior to the signing of the U.S./Canada Yukon River Salmon Agreement in 2002.

Robert D. Mecum, Acting Administrator

2

The Yukon-Kuskokwim Delta Subsistence Regional Advisory Council again urges the National Marine Fisheries Service and the North Pacific Fishery Management Council to take actions that significantly reduce the amount of Chinook salmon bycatch in the BSAI Pollock fishery. It is the Council's judgment that neither of the hard cap amounts in the Preferred Alternative (60,000 and 47,591) represents a reduction in Chinook salmon bycatch, but rather is an allowance for higher bycatch. This allowance appears to be in direct conflict with your agency's stated management goal to avoid bycatch of a prohibited species, of which Chinook salmon is one. Therefore, the Preferred Alternative should not be adopted into regulation.

Thank you for the opportunity to comment on the proposed rule. Please contact Donald T. Rivard, Fish Biologist, Office of Subsistence Management, at (907) 786-3888, if further information is needed. The Council will continue to monitor developments on this important issue and look forward to the results of your efforts to significantly reduce Chinook salmon bycatch in the BSAI Pollock fishery.

Sincerely,



Lester Wilde, Chair
Yukon-Kuskokwim Delta
Subsistence Regional Advisory Council

cc: Interagency Staff Committee

Jack Reakoff, Chair, Western Interior Alaska Subsistence Regional Advisory Council
Sue Entsminger, Chair, Eastern Interior Alaska Subsistence Regional Advisory Council
Eric Olson, Chair, North Pacific Fishery Management Council
Peter J. Probasco, Office of Subsistence Management
Donald T. Rivard, Office of Subsistence Management



May 7, 2010

Dr. Jim Balsiger, Administrator
Alaska Region, National Marine Fisheries Service
National Oceanic and Atmospheric Administration
P.O. Box 21668
Juneau, Alaska 99802

RECEIVED
MAY - 7 2010

Mr. Eric Olson, Chair
North Pacific Fishery Management Council
605 W. Fourth Avenue, Suite 306
Anchorage, AK 99501

RE: Comments on Bering Sea Chinook Salmon Bycatch Management RIN 0648-AX89

Dear Dr. Balsiger and Mr. Olson:

Thank you for the opportunity to comment on the proposed rule for Amendment 91 to the Bering Sea/Alcutian Islands Groundfish Fishery Management Plan, Bering Sea Chinook Salmon Bycatch Management.

Oceana is very concerned about Chinook salmon bycatch in the Bering Sea/Alcutian Islands (BSAI) pollock fishery. Along with Western Alaskan communities, Tribal organizations, and subsistence fishermen, Oceana has dutifully engaged in the public process. We have raised issues associated with the management, monitoring, and analyses of salmon bycatch through scoping comments, letters, testimony, and meetings with North Pacific Fishery Management Council (NPFMC) and National Marine Fisheries Service (NMFS) staff. Many of these substantive issues have not been addressed.

NMFS has stated repeatedly that there is not enough information to address some of the key questions relating to salmon abundance in the ocean, the status of individual salmon stocks, and the proportion of individual salmon stocks being killed as bycatch. These statements highlight the need to develop and fund a comprehensive research program to adaptively manage salmon at all life-stages. This gravel-to-gravel research plan, which would emphasize hiring and development of local expertise, would include community-based salmon research such as habitat assessments, integration of traditional knowledge, in-river and ocean sampling for genetic stock identification, and the temporal and spatial use of ocean habitat.

Funding is needed for this type of research program. NMFS and the NPFMC could initiate the process of acquiring the necessary funds. NMFS and the Council should more thoroughly explore options for using bycatch fines both as an incentive to avoid bycatch and as a mechanism for the BSAI pollock fishery to more directly support the costs associated with reducing salmon bycatch. The Magnuson-Stevens Fishery and Conservation Act (MSA) gives the NMFS and the NPFMC the authority to levy fines of up to \$25,000 per season per fishing vessel as an incentive to reduce bycatch and to make these funds available to offset costs including conservation and

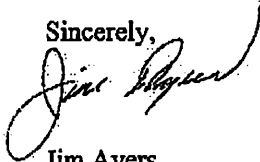
Proposed Rule comments 2 of 2

management measures and research.¹ This authority could be used to provide an incentive for the fleet to reduce bycatch and also provide for much-needed research funds to address the salmon bycatch problem.

Further, the program created by NMFS and the Council could be construed as a limited access allocation of Chinook salmon to the BSAI pollock fleet. Accordingly, the Council could use its MSA §303A(e) authority to recover the costs of the management, data collection, analysis, and enforcement of the program.²

Wild salmon are vitally important to the long-term health, viability, and biodiversity of our oceans, estuaries, rivers, and watersheds. Wild salmon also are the lifeblood of Alaska's commercial, sport, and subsistence fisheries. Reducing bycatch of salmon in the commercial groundfish fisheries and implementing comprehensive research and monitoring are crucial to maintaining and restoring salmon runs, and should remain a priority for NMFS and the Council. We look forward to continuing to work with you to find a solution that will continually reduce salmon bycatch in the BSAI groundfish fisheries and help rebuild and recover North Pacific salmon stocks.

Sincerely,



Jim Ayers
Vice President, Oceana

¹ That section provides:

(g) BYCATCH REDUCTION INCENTIVES.—

(1) Notwithstanding section 304(d), the North Pacific Council may submit, and the Secretary may approve, consistent with the provisions of this Act, a system of fines in a fishery to provide incentives to reduce bycatch and bycatch rates; except that such fines shall not exceed \$25,000 per vessel per season. Any fines collected shall be deposited in the North Pacific Fishery Observer Fund, and may be made available by the Secretary to offset costs related to the reduction of bycatch in the fishery from which such fines were derived, including conservation and management measures and research, and to the State of Alaska to offset costs incurred by the State in the fishery from which such penalties were derived or in fisheries in which the State is directly involved in management or enforcement and which are directly affected by the fishery from which such penalties were derived.

16 U.S.C. § 1862.

² That section provides:

(e) COST RECOVERY.—In establishing a limited access privilege program, a Council shall—

(1) develop a methodology and the means to identify and assess the management, data collection and analysis, and enforcement programs that are directly related to and in support of the program; and

(2) provide, under section 304(d)(2), for a program of fees paid by limited access privilege holders that will cover the costs of management, data collection and analysis, and enforcement activities.

16 U.S.C. § 1853a



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June 1, 2010

Dr. James Balsiger
Regional Administrator
NMFS Alaska Region
PO Box 21668
Juneau, AK 99802-1668

Dear Dr. Balsiger,

In *Van Valin v. Locke*, 671 F. Supp. 2d 1 (D.D.C. 2009), the Court found that the Guideline Harvest Level ("GHL") for the charter boat halibut fleet established a legally enforceable cap on the charter boat harvest. The Court also concurred with statements by the government in that case that fishing above the GHL presents a serious conservation issue for the resource. We also know that GHL exceedences have the direct allocative effect of reducing the amount of fish available for the commercial harvest.

With the continuing cyclical decline of the halibut resource, it is more important than ever that every sector stay within their allocation. Although the commercial sector has not exceeded its annual halibut quota since 1995 with the implementation of the IFQ program, the charter fleet has exceeded its GHL every year since it was established, exceeding the GHL by 22% in 2004, 36% in 2005, 34% in 2007, and 106% in 2008. Overfishing by the charter sector continued in 2009 with the sector exceeding its GHL by 66%, despite the imposition of a one halibut catch rule designed to limit the charter harvest.

It is clear that the current management measures for the charter fleet have not been, and will not be, successful in constraining the charter harvest to the GHL. Given that fact, the history of GHL overharvests, the Court decision in *Van Valin v. Locke*, and the fact that the International Pacific Halibut Commission has indicated it may take action to limit the charter harvest to the GHL if the U.S. does not do so, we believe the National Marine Fisheries Service (NMFS) is under a legal and conservation obligation to issue new regulations to enforce the GHL for the 2011 halibut fishing season. Based on the *Van Valin v Locke* decision, we suspect the courts will agree.

Alaska Longline Fishermen's Association • Cordova District Fishermen • Deep Sea Fishermen's Union •
Fishing Vessel Owners Association • Halibut Association of North America • Kachemak Bay Fisheries
Association • North Pacific Fisheries Association • Petersburg Vessel Owners Association • Sea Food
Producers Cooperative • Southeast Alaska Fishermen's Alliance • United Cook Inlet Driftnetters Association
• United Fishermen's Marketing Association • United Southeast Alaska Gillnetters Association

However, we believe the North Pacific Fishery management Council (Council) has presented an alternative plan that will successfully resolve this issue. In October 2008, the Council adopted the halibut catch sharing plan (CSP) as a means to address the conservation and allocation issues in the halibut fishery. The CSP is the culmination of 17 years of Council work. **However, 19 months after the Council adopted that plan, NMFS has still not issued implementing regulations.** The Halibut Coalition believes NMFS should do so immediately and we are prepared to assist you in every way possible to achieve that goal. We are not willing to wait until 2012 to see the CSP implemented and also not have effective regulations in place to limit the charter fleet to its GHL. Thus, we believe NMFS has a choice regarding how it wishes to proceed.

We request the opportunity to meet with you to discuss how NMFS plans to go forward and on what schedule in order to address the conservation and allocation issues in the halibut fishery.

Thank you for your time and attention.

Sincerely,



Linda Behnken
President, Halibut Coalition

Copy:

Mr Sean Parnell, Governor, State of Alaska

Senator Lisa Murkowski, U.S. Senate

Senator Mark Begich, U.S. Senate

Congressman Don Young, U.S. House of Representatives

Mr. Eric Schwaab, Assistant Administrator for Fisheries

Mr. Denby Lloyd, Commissioner, Alaska Department of Fish and Game

Dr. Bruce Leaman, Executive Director, International Pacific Halibut Commission

Mr. Eric Olson, Chair, North Pacific Fishery Management Council

Status of FMP Amendments
June 4, 2010

FMP Amendment Status: <u>Actions Since April 2010</u>	Date of Council Action	Start Regional Review	Transmittal Date of Action to NMFS HQ for Review	Proposed FMP Amendment Notice of Availability Published	Proposed Rule Published in Federal Register	Final Rule or Notice of Approval Published in Federal Register
Amendment 30 (KTC) – Arbitration System Changes	June 4008 April '08	PR: 1/28/09				
Amendment 31 (KTC) – C-Share Active Participation	June 4008 April '08					
Amendment 34 (KTC) – Adjustments to GOA sideboards for BSAI crab vessels	Oct 2008	PR:3/29/10				
Amendment 86 (GOA) – fixed gear endorsement for Pacific cod	June 4009 April '09	PR:12/4/09				
Amendment 91 (BSAI) BS Chinook Salmon bycatch management Approved May 14, 2010	June 4009 April '09	PR: 12/17/09	PR: 2/8/10	February 18, 2010 75 FR 7228 End of comment period April 19, 2010	March 23, 2010 75 FR 14016 End of comment period May 7, 2010	
Amendment 94 (BSAI)-require modified nonpelagic trawl gear for directed flatfish fishing in the Bering Sea subarea.	October 2009	PR: 4/5/10				
Amendment 95 (BSAI skates) and 96/87 (groundfish ACLs)	10/09 (skates) 4/10 (ACLs)	PR: 5/12/10				
Amendments to all FMPS to authorize permit fees	October 2009					
Amendment 83 (GOA) Pacific cod sector splits	December 2009					

Status of FMP Amendments
June 4, 2010

FMP/Regulatory Amendment Status: <u>Actions Since April 2010</u>	Date of Council Action	Start Regional Review	Transmittal Date of Action to NMFS HQ for Review	Proposed FMP Amendment Notice of Availability Published	Proposed Rule Published in Federal Register	Final Rule or Notice of Approval Published in Federal Register
Amendment 93 (BSAI)-Modify Amd 80 sector coop formation criteria	February 2010					
Exemption to west region landing requirements for WAG	April 2010					
Groundfish/Crab Regulatory Amendments						
CDQ regulation of harvest	MSA requirement Council - June 2007	PR: 12/17/08				
Observer Program regulation revisions	June 4008	PR: 2/25/09 FR: 5/7/10	PR: 9/8/ 2009		September 30, 2009 74 FR 50155 Comment period ended October 30, 2009	
BSAI fixed gear parallel fishery management measures	June 2009	PR: 6/3/10				
Data collection program to assess effectiveness of Bering Sea Chinook salmon IPA to minimize bycatch (Draft forms and regulations back to Council at October 2010 meeting)	December 2009					

Status of Regulatory Amendments
June 4, 2010

Regulatory Amendment Status: <u>Actions Since April 2010</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/Crab Regulatory Amendments					
Remove weighing req. for crab landings & rept. for processed product	NMFS	PR: 3/16/10			
eLandings changes to improve and update methods and procedures	NMFS				
Permits requirements-improve efficiency, flexibility and clarify regulatory text	NMFS				
Halibut Regulations					
Remove halibut/sablefish quota from initial recipients who never have fished or transferred quota	June 2006	PR: 8/12/09			
Clarify charter logbook submission requirements	NMFS	PR:1/12/10	PR: 4/2/10	75 FR 22010 April 27, 2010 End of comment period May 12, 2010	
Establish new minimum vessel ownership criteria for using hired skipper of 12 months and 20% interest	December 2007				
Halibut catch share plan Draft regulations available for Council review at its October meeting	October 2008				
Revise angler endorsements on charter halibut permits	April 2010	PR: 4/29/10			
Other					
Revision to the Fisheries Loan Program and to include the CDQ and Crab IFQ lending programs	NMFS			May 5, 2010 75 FR 24549 End of Comment Period June 4, 2010	

Regulatory Actions Completed in 2010
June 4, 2010

- Allow online transfers for CDQ , crab IPQ, and cooperatives: October 7, 2009 (74 FR 51515) , effective November 6, 2009
- Subsistence Halibut – Include Certain Rural Residents: November 4, 2009 (74 FR 57105), effective December 4, 2009
- Withdraw proposed rule to revise MRA accounting period for non-AFA C/Ps for selected groundfish species in the BSAI December 10, 2009 (74 FR 65503)
- Notice of 2009 standard prices and fee percentage for the IFQ cost recovery program in the halibut and sablefish fisheries December 11, 2009 (74 FR 65741)
- Limited entry system for owners of halibut charter businesses January 5, 2010 (75 FR 554), effective February 4, 2010
- Emergency rule to exempt IFQ issued for the Western Aleutian Islands golden kind crab fishery from the West regional designation and individual processing quota (75 FR 7205; February 18, 2010)
- Correction to reinstate regulations requiring the IFQ permit holder be aboard the vessel at all times during a fishing trip and be present during the landing of harvested fish. (75 FR 20526; March 6, 2010)
- Final 2010 and 2011 harvest specifications, apportionments, and Pacific halibut prohibited species catch limits for the groundfish fishery of the GOA. (75 FR 11749; March 12, 2010)
- Final 2010 and 2011 harvest specifications, apportionments, and prohibited species catch limits for the groundfish fishery of the BSAI. (75 FR 11778; March 12, 2010)
- Annual management measures governing the Pacific halibut fishery. 75 FR 13024; March 18, 2010)
- Notice of 2010 GHF for charter fishery in 2C and 3A (75 FR 17131; April 5, 2010)

2010 catch is through May 29 and 2009 through May 30 unless otherwise stated

Bering Sea and Aleutian Islands

Bering Sea Pollock

By April 18 all sectors, including CDQ, finished the 2010 A season fishery with 312,443 metric tons (mt) of total catch. The 2010 B season opens at noon, Alaska local time, June 10 with the following remaining amounts: 210,993 mt for inshore, 169,252 mt for catcher processors, 42,216 mt for motherships, and 48,7809 mt for CDQ.

Salmon in pollock fishery

In 2010, the A season pollock fishery has caught 7,237 non-CDQ and 335 CDQ Chinook salmon compared to the 2009 A season catch of 9,320 non-CDQ and 358 CDQ Chinook salmon. In 2010 the Chinook Salmon Savings Area (CSSA) remains open. In 2009 the CSSA remained open all year. The 2010 catch of non-Chinook salmon is 44 salmon.

BSAI Trawl groundfish catch (metric tons)

The 2010 trawl catch is slightly higher than the 2009 catch for the same time period.

Year	NPT CV	NPT CP	PTR CV	PTR CP	Total
2010	32,670	181,032	173,245	118,902	505,849
2009	32,514	164,894	180,243	121,933	499,584

Trawl halibut mortality

Halibut mortality for trawl gear is allocated to BSAI trawl limited access, Amendment 80 limited access, and Amendment 80 cooperatives. Through May 29, 2010 the total trawl halibut mortality is lower than the 2009 total. Compared to 2009 there is a decrease for pollock and yellowfin sole targets and an increase in Pacific cod and rock sole targets. In 2010, the trawl halibut mortality is split by catcher vessels, 318 mt, and C/Ps, 1,131 mt.

The halibut mortality through May 29, 2010, compared to May 30, 2009 is:

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

2010 Total – 1,448 mt

Pacific cod 272 mt, Pollock 146 mt, Rock sole 597 mt, Yellowfin 302 mt, Other 132 mt

2009 Total – 1,693 mt

Pacific cod 215 mt, Pollock 328 mt, Rock sole 496 mt, Yellowfin 491 mt, Other 162 mt

Atka mackerel

As in 2009, seven C/Ps and one catcher vessel registered for the 2010 A season HLA fisheries in 542 and 543: three C/Ps in the Amendment 80 cooperative, four C/Ps in the Amendment 80 limited access sector, and one catcher vessel in the BSAI trawl limited access sector.

Pacific cod

The B season opens August 15 for hook-and-line CPs and September 1 for pot CVs and CPs. The C season opens June 10 for trawl gear.

Hook-and-line catcher/processors

In 2010, 36 hook-and-line C/Ps caught 37,538 mt of the 37,230 mt A season allocation, and the fishery closed February 9. In 2009, 37 hook-and-line C/Ps caught 39,527 mt of the 38,951 mt A season allocation, and the fishery closed February 6.

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 2009, the fishery remained open with no participation until November 2 when NMFS closed the fishery and reallocated 312 mt to hook-and-line C/Ps.

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

In March 2010, NMFS reallocated 1,200 mt from jig gear to the $<$ 60 ft category. In 2010, five hook-and-line caught 7% and 13 pot vessels caught 93% of the 4,209 mt total catch, and the directed fishery closed March 25, 2010. In 2009, 10 hook-and-line caught 14% and 16 pot vessels caught 86% of the 4,153 mt total catch, and the fishery closed March 16, 2009. NMFS reallocated another 400 mt from jig gear and reopen the directed fishery April 30 through May 19, 2010.

Jig

In 2010 this fishery remains open with no participation. In 2009, three vessels targeted Pacific cod during the summer and reported 22 mt.

Pot \geq 60 ft LOA

The 2010 fishery closed January 28 with 24 vessels catching 7,168 mt of the 6,422 mt A season TAC. The 2009 fishery closed February 1 with 20 vessels catching 5,673 mt of the 6,718 mt A season TAC. In 2009 the fishery reopened March 1 through June 10 with a few vessels participating.

Pot catcher/processors

The 2010 fishery closed January 23 with three pot C/Ps catching 1,243 mt of the 1,147 mt A season TAC. The 2009 fishery closed January 28 with three pot C/Ps catching 1,288 mt of the 1,200 mt A season TAC.

Trawl

The 2010 A season for catcher vessels closed March 12 catching 26,874 mt of the 24,649 mt A season TAC. The B season will not open since the overage from the A season does not leave enough to support a directed fishery. The 2009 A season for catcher vessels closed March 21 catching 24,384 mt of the 25,782 mt A season TAC. In 2009, the B season opened April 1 to 5 and a total of 3,363 mt was taken.

The Amendment 80 cooperative is controlling their catch. The 2010 Amendment 80 limited access directed fishery is closed for the year. The 2010 AFA C/P sector's C season directed fishery remains close on June 10 with 234 mt remaining for the year.

Flatfish

For the first time AFA C/P's (seven) targeted yellowfin sole for the first three weeks of 2010 before targeting pollock. For all sectors, the 2010 yellowfin sole total catch of 69,107 mt is higher than the 2009 total catch of 58,015 mt. For rock sole the 2010 total catch of 35,043 mt is lower than the 2009 total catch of 39,888 mt.

Arrowtooth flounder and Greenland turbot

The directed fisheries opened May 1. In the Aleutian Islands, six CPs are targeting arrowtooth and Greenland turbot. These fisheries remain open. In the Bering Sea, effort is sporadic, but is expected to increase after Greenland turbot in the Aleutian Islands closes. The arrowtooth catch is higher in 2010 at 11,397 mt compared to the 2009 catch of 6,662 mt.

Gulf of Alaska

The B season for Pacific cod in the GOA opens September 1.

Western GOA Pacific cod

The 2010 A season allocations are 11,212 mt for the inshore component and 1,246 mt for the offshore component. The 2010 inshore component closed February 19 catching 11,873 mt compared to the 2009 fishery closure February 25 catching 9,209 mt. The 2010 inshore catch by gear is pot 59%, hook-and-line gear 23%, and trawl gear 18% compared to the 2009 catch by gear of pot 43%, hook-and-line 38%, and trawl 19%. The A season offshore component Pacific cod was mostly caught by hook-and-line C/Ps and closed March 3 in 2010 compared to June 10 in 2009.

Central GOA Pacific cod

The 2010 A season allocations are 19,862 mt for the inshore and 2,207 mt for the offshore components. The 2010 inshore component had the highest weekly catch rate of the last 8 years of 7,000 mt. This is 1,500 mt higher than the previous high weekly rate from January 24, 2004. The 2010 fishery closed January 31 catching 19,581 mt compared to the 2009 fishery closure January 27 catching 11,228 mt. The 2010 inshore catch by gear is pot 38%, hook-and-line 24%, and trawl 38% compared to the 2009 catch by gear of pot 37%, hook-and-line gear 31%, and trawl gear 32%. The A season offshore component Pacific cod is mostly caught by hook-and-line C/Ps and closed February 24 in 2010 compared to February 19 in 2009.

Pollock

The C season for pollock in the Western and Central GOA opens August 25

Area 610 closed February 27 for the A season. For the B season, 3,935 mt remains and the catch rates are low. The 610 catch dropped to 213 mt for the week ending March 27, from 1,000 mt for the previous two weeks. In area 620 directed fishing started during the week of February 13 and the A season closed February 25. The B season opened March 10 and closed March 16. Area 630 closed February 5 and reopened February 28 through March 2 for the A season. NMFS initially closed the B season because the effort exceeded the pollock available for the B season. NMFS reopened area 630 for the B season from March 22 to 25 after the fleet agreed to limit their catch to the remaining amount. In area 640, 17 vessels reported 1,200 mt for week ending March 20. NMFS reopened the fishery March 26 for the remaining 800 mt after the fleet agreed to limit their catch to the remaining amount. Area 640 remains open.

Deep and Shallow Water Complex Trawl Fisheries

The shallow water complex remains open. The winter pollock and Pacific cod fisheries are finished, and the fleet is targeting to rockfish under the Rockfish Program and flatfish. The 3rd season halibut mortality allowance becomes available July 1. For deep-water, 418 mt has accrued out of the current 400 mt limit. For shallow water, 340 mt has accrued out of the current 550 mt limit.

Halibut mortality for the hook-and-line fleet is at 139 mt of the 250 mt first season allowance. In 2009 for the same time period the halibut mortality was 192 mt.

Rockfish

Information on the Rockfish Program can be found at <http://alaskafisheries.noaa.gov/sustainablefisheries/goarat/default.htm>. The directed fisheries for the vessels in cooperatives opened May 1, 2010. Eight vessels have fished for four catcher vessel cooperatives. The limited access fisheries open July 1.

As in 2009, two catcher/processor cooperatives with five vessels and five shoreside cooperatives with 44 catcher vessels were formed. Seven catcher/processors and two catcher vessels elected to participate in the limited access fisheries. Three (four in 2009) catcher/processors elected to participate in opt out fishery. Four (five in 2009) catcher vessels registered to participate in the entry level fishery.

The Western GOA Pacific ocean perch, pelagic shelf rockfish, and northern rockfish and the West Yakutat Pacific ocean perch and pelagic shelf rockfish fisheries will open at noon, Alaska local time, July 1, 2010.

Bering Sea Aleutian Islands Catch Report
(excludes CDQ except as noted)
Through: 29-MAY-10

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)	34	412	378	8%	13
	Pacific Ocean Perch (includes CDQ)	67	3,256	3,189	2%	26
	Sablefish (Hook-and-Line and Pot)	177	1,116	939	16%	6
	Sablefish (Trawl)	3	1,186	1,183	0%	1
	Greenland Turbot	73	3,587	3,514	2%	7
X	Pollock, AFA Inshore	140,223	351,216	210,993	40%	0
X	Pollock, AFA Catcher Processor	111,721	280,973	169,252	40%	0
X	Pollock, AFA Mothership	28,027	70,243	42,216	40%	0
	Pollock, Incidental Catch, non-Bogoslof (includes CDQ)	11,217	29,268	18,051	38%	11
	Pollock, Incidental Catch, Bogoslof (includes CDQ)	37	50	13	74%	0

Aleutian Islands

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Other Rockfish (includes CDQ)	142	472	330	30%	3
	Pacific Ocean Perch, Eastern	1,366	3,768	2,402	36%	1
	Pacific Ocean Perch, Central	1,353	3,813	2,460	35%	0
	Pacific Ocean Perch, Western	1,402	5,840	4,438	24%	0
	Atka Mackerel, Eastern ICA	3	75	72	5%	0
	Atka Mackerel, Eastern (Jig)	0	106	106	0%	0
X	Atka Mackerel, Eastern (Trawl)	9,978	21,072	11,094	47%	2
	Atka Mackerel, Central ICA	1	75	74	1%	0
X	Atka Mackerel, Central (Trawl)	11,214	26,357	15,143	43%	0
	Atka Mackerel, Western ICA	0	50	50	0%	0
X	Atka Mackerel, Western (Trawl)	7,191	18,346	11,155	39%	0
	Sablefish (Hook-and-Line and Pot)	376	1,242	866	30%	18
	Sablefish (Trawl)	45	440	395	10%	4
	Greenland Turbot (includes CDQ)	1,299	1,615	316	80%	266
X	Pollock	50	15,500	15,450	0%	0
X	Pollock, Incidental Catch (includes CDQ)	506	1,600	1,094	32%	2

Bering Sea Aleutian Islands Catch Report
(excludes CDQ except as noted)
Through: 29-MAY-10

National Marine Fisheries Service
Alaska Region, Sustainable Fisheries
Catch Accounting



Bering Sea Aleutian Islands

Seasons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Alaska Plaice (includes CDQ)	10,051	42,500	32,449	24%	32
	Arrowtooth Flounder	11,880	63,750	51,870	19%	2,975
	Flathead Sole	6,083	53,580	47,497	11%	11
	Northern Rockfish (includes CDQ)	929	6,154	5,225	15%	0
	Other Flatfish (includes CDQ)	1,329	14,705	13,376	9%	185
	Other Species (includes CDQ)	12,546	42,500	29,954	30%	112
X	Pacific Cod, Catcher Processor (Amendment 80)	10,244	20,197	9,953	51%	14
X	Pacific Cod, Catcher Processor (AFA)	3,233	3,467	234	93%	0
X	Pacific Cod, Catcher Vessel (Trawl)	27,364	33,309	5,945	82%	0
X	Pacific Cod, Catcher Processor (Hook-and-Line)	37,657	73,000	35,343	52%	0
X	Pacific Cod, Catcher Vessel (Hook-and-Line >= 60 ft)	0	300	300	0%	0
X	Pacific Cod, Catcher Processor (Pot)	2,454	2,248	-206	109%	188
X	Pacific Cod, Catcher Vessel (Pot >= 60 ft)	7,168	12,591	5,423	57%	0
X	Pacific Cod (Jig)	0	510	510	0%	0
	Pacific Cod (Hook-and-Line and Pot < 60 ft)	4,618	4,598	-20	100%	0
	Pacific Cod, Incidental Catch (Hook-and-Line and Pot)	11	500	489	2%	5
	Rock Sole	35,043	80,370	45,327	44%	67
	Rougheye Rockfish (includes CDQ)	53	465	412	11%	6
	Shortraker Rockfish (includes CDQ)	56	329	273	17%	6
	Squid (includes CDQ)	67	1,675	1,608	4%	9
	Yellowfin Sole	69,107	195,567	126,460	35%	3,261
Total:		566,398	1,493,993	927,595	38%	7,230

Unless stated the account does not include CDQ.

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 rougheye rockfish.

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

For changes to the harvest specifications refer to <http://alaskafisheries.noaa.gov/2010/hschanges.htm>

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

Through: 29-MAY-10

**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	7,236	26,825	19,589	27%	0
	AI Pollock (Pelagic)	Count	1	647	646	0%	0
Total:			7,237	27,472	20,235	26%	0

Halibut Mortality

Non-Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Halibut Mortality (Non-Trawl)	MT	243	832	589	29%	1
Total:			243	832	589	29%	1

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Halibut Mortality (Trawl)	MT	1,448	3,300	1,852	44%	30
Total:			1,448	3,300	1,852	44%	30

Herring (includes CDQ fisheries)

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Pacific Cod	MT	0	29	29	0%	0
	Rockfish	MT	0	10	10	0%	0
	Rock Sole, Flathead Sole, Other Flatfish	MT	0	29	29	1%	0
	Pollock, Atka Mackerel, Other Species	MT	161	214	53	75%	0
	Pollock Pelagic	MT	185	1,508	1,323	12%	0
	Yellowfin Sole	MT	1	169	168	1%	0
	Greenland Turbot, Arrowtooth, Sablefish	MT	0	14	14	0%	0
Total:			348	1,973	1,625	18%	0

Opilio (Tanner) Crab - COBLZ

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Opilio Crab	Count	1,526,010	3,884,550	2,358,540	39%	0
Total:			1,526,010	3,884,550	2,358,540	39%	0

Bering Sea Aleutian Islands Prohibited Species Report
(excludes CDQ fisheries except as noted)
Through: 29-MAY-10

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Bairdi Crab, Zone 1

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Bairdi Crab	Count	91,940	741,190	649,250	12%	303
Total:			91,940	741,190	649,250	12%	303

Bairdi Crab, Zone 2

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Bairdi Crab	Count	220,202	2,250,360	2,030,158	10%	236
Total:			220,202	2,250,360	2,030,158	10%	236

Red King Crab, Zone 1

Trawl Gear

Sea- sons	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
	Red King Crab	Count	34,269	175,921	141,653	19%	0
Total:			34,269	175,921	141,653	19%	0

This report does not include the CDQ allocated catch.

"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.

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Western, Central Pollock

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
X	Pollock, 610 Shumagin	9,823	26,256	16,433	37%	0
X	Pollock, 620 Chirikof	19,430	28,095	8,665	69%	2
X	Pollock, 630 Kodiak	7,482	19,118	11,636	39%	5

Western Gulf

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Arrowtooth Flounder	966	8,000	7,034	12%	1
	Deep Water Flatfish	0	521	521	0%	0
	Shallow Water Flatfish	36	4,500	4,464	1%	0
	Flathead Sole	204	2,000	1,796	10%	0
	Rex Sole	58	1,543	1,485	4%	0
	Pacific Ocean Perch	31	2,895	2,864	1%	0
	Rougheye Rockfish	13	80	67	17%	0
	Shortraker Rockfish	14	134	120	10%	0
	Thornyhead Rockfish	35	425	390	8%	3
	Pelagic Shelf Rockfish	1	650	649	0%	0
	Northern Rockfish	1	2,703	2,702	0%	0
	Other Rockfish	4	212	208	2%	0
X	Pacific Cod, Inshore	12,022	18,687	6,665	64%	0
X	Pacific Cod, Offshore	1,076	2,077	1,001	52%	5
	Sablefish (Hook-and-Line)	363	1,328	965	27%	26
	Sablefish (Trawl)	0	332	332	0%	0
	Big Skate	106	598	492	18%	0
	Longnose Skate	31	81	50	38%	1

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Central Gulf

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Arrowtooth Flounder	12,508	30,000	17,492	42%	27
	Deep Water Flatfish	345	2,865	2,520	12%	7
	Shallow Water Flatfish	1,476	13,000	11,524	11%	74
	Flathead Sole	2,050	5,000	2,950	41%	15
	Rex Sole	2,463	6,403	3,940	38%	4
	Pacific Ocean Perch	2,378	10,737	8,359	22%	245
	Rougeye Rockfish	94	862	768	11%	1
	Shortraker Rockfish	59	325	266	18%	7
	Pelagic Shelf Rockfish	437	3,249	2,812	13%	142
	Northern Rockfish	442	2,395	1,953	18%	202
	Thornyhead Rockfish	157	637	480	25%	19
	Other Rockfish	67	507	440	13%	9
	Pacific Cod, Rockfish Program	240	768	528	31%	109
X	Pacific Cod, Inshore	21,540	33,104	11,564	65%	24
X	Pacific Cod, Offshore	2,260	3,678	1,418	61%	0
	Sablefish (Hook-and-Line)	2,418	3,608	1,190	67%	195
	Sablefish (Trawl)	229	902	673	25%	63
	Big Skate	1,211	2,049	838	59%	14
	Longnose Skate	416	2,009	1,593	21%	5

Eastern Gulf

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Rougeye Rockfish	101	360	259	28%	5
	Shortraker Rockfish	99	455	356	22%	7
	Thornyhead Rockfish	85	708	623	12%	9
	Pacific Cod, Inshore	761	1,816	1,055	42%	7
	Pacific Cod, Offshore	0	201	201	0%	0
	Big Skate	131	681	550	19%	1
	Longnose Skate	103	762	659	14%	6

Note: All weights are in metric tons.

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West Yakutat

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Arrowtooth Flounder	14	2,500	2,486	1%	0
	Deep Water Flatfish	0	2,044	2,044	0%	0
	Shallow Water Flatfish	1	1,228	1,227	0%	0
	Flathead Sole	0	1,990	1,990	0%	0
	Rex Sole	0	883	883	0%	0
	Pacific Ocean Perch	50	2,004	1,954	3%	0
	Pelagic Shelf Rockfish	0	434	434	0%	0
	Other Rockfish	12	273	261	4%	2
	Pollock	1,458	2,031	573	72%	0
	Sablefish (Hook-and-Line)	1,101	1,410	309	78%	20
	Sablefish (Trawl)	0	210	210	0%	0

Southeast

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Arrowtooth Flounder	35	2,500	2,465	1%	3
	Deep Water Flatfish	3	760	757	0%	0
	Shallow Water Flatfish	1	1,334	1,333	0%	0
	Flathead Sole	0	1,451	1,451	0%	0
	Rex Sole	0	900	900	0%	0
	Pacific Ocean Perch	0	1,948	1,948	0%	0
	Pelagic Shelf Rockfish	0	726	726	0%	0
	Other Rockfish	12	200	188	6%	2
	Pollock	0	9,245	9,245	0%	0
	Demersal Shelf Rockfish	65	295	230	22%	12
	Sablefish (Hook-and-Line)	1,792	2,580	788	69%	144

Entire Gulf

Sea- sons	Account	Total Catch	Quota	Remaining Quota	% Taken	Last Wk Catch
	Atka Mackerel	179	2,000	1,821	9%	0
	Other Skates	864	2,093	1,229	41%	4
	Other Species	931	4,500	3,569	21%	6
Total:		110,287	292,855	182,568	38%	1,436

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.

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Other rockfish in the Western and Central Regulatory Areas and in the West Yakutat District: slope rockfish and demersal shelf rockfish.

Other rockfish in the Southeast Outside District: slope rockfish.

Slope rockfish: aurora, blackgill, bocaccio, chilipepper, darkblotch, greenstriped, harlequin, pygmy, redbanded, redstripe, sharpchin, shortbelly, silvergrey, splitnose, stripetail, vermilion, and yellowmouth.

In the Eastern GOA only, "slope rockfish" also includes northern rockfish.

Demersal shelf rockfish: canary, china, copper, quillback, rosethorn, tiger, and yelloweye.

"Pelagic shelf rockfish" means *Sebastes variabilis* (dusky), *S. entomelas* (widow), and *S. flavidus* (yellowtail).

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

For changes to the harvest specifications refer to <http://alaskafisheries.noaa.gov/2010/hschanges.htm>

Gulf of Alaska Prohibited Species Report

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



Non-Chinook Salmon

Trawl Gear

Species	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
Non Chinook Salmon		Count	354	0			0
Total:			354	0			0

Chinook Salmon

Trawl Gear

Species	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
Chinook Salmon		Count	13,033	0			55
Total:			13,033	0			55

Halibut Mortality

Non-Trawl Gear

Species	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
X Other Hook-and-Line Fisheries		MT	139	290	151	48%	0
Total:			139	290	151	48%	0

Trawl Gear

Species	Account	Units	Total Catch	Limit	Remaining	% Taken	Last Wk Catch
Trawl Fishery		MT	788	2,000	1,212	39%	12
Total:			788	2,000	1,212	39%	12

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: 29-MAY-10

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-10	01-APR-10	73	100	27	73%
2nd Season	01-APR-10	01-JUL-10	346	300	-46	115%
3rd Season	01-JUL-10	01-SEP-10	0	400	400	0%
4th Season	01-SEP-10	01-OCT-10	0	0	0	0%
Total:			419	800	381	52%

Shallow Water Species Complex

Season	Begin	End	Total Catch	Limit	Limit Remaining	% Taken
1st Season	20-JAN-10	01-APR-10	164	450	286	36%
2nd Season	01-APR-10	01-JUL-10	197	100	-97	197%
3rd Season	01-JUL-10	01-SEP-10	0	200	200	0%
4th Season	01-SEP-10	01-OCT-10	0	150	150	0%
Total:			361	900	539	40%

Year-To-Date

Account	Total Catch	Limit	Limit Remaining	% Taken	Last Wk Catch
Trawl Fishery	788	2,000	1,212	39%	12

Other Hook-and-Line Fisheries

Season	Begin	End	Total Catch	Limit	Limit Remaining	% Taken
1st Season	01-JAN-10	10-JUN-10	139	250	111	56%
2nd Season	10-JUN-10	01-SEP-10	0	5	5	0%
3rd Season	01-SEP-10	31-DEC-10	0	35	35	0%
			139	290	151	48%

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.

Note: All weights are in metric tons.

Report run on: June 3, 2010 7:42 AM

Adjustments to the annual threshold amount, § 679.21(f)(6)(ii)

Example showing the two different ways to calculate a sector's annual threshold amount using the mothership sector numbers from Table 47b on page 36.

IPA participation	Number of Chinook salmon deduced from annual threshold amount	Annual threshold amount (Chinook salmon)	Method
100%	0	3,707	
American Beauty opts out	223 (column G)	3,484	Deduct the American Beauty's portion of 3,707 (proposed rule)
	133 (column E + F)	3,574	Deduct the American Beauty's portion of 2,220 – the opt-out allocation (public recommended)

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