

Amendment 82 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area

1. In Section 1.1, entitled "History and Summary of Amendments", add the following:

Amendment 82 implemented on _____, 2005:

A. Created separate Chinook Salmon PSC limits for the Bering Sea and Aleutian Islands subareas, and modified the closures when the PSC limits are attained.

B. Allocated the non-CDQ directed pollock fishery in the AI subarea to the Aleut Corporation for the purpose of economic development in Adak, Alaska.

2. Revise Section 8.4.3.2, paragraph F to read as follows:

F. Chinook Salmon Savings Areas. (As described in Appendix III and Figure 27e) -- If the Regional Administrator determines that the Bering Sea subarea PSC limit of Chinook salmon specified in regulations is caught while harvesting pollock with trawl gear in the Bering Sea subarea between January 1 and December 31, NMFS will prohibit directed fishing for pollock with trawl gear in the Chinook salmon savings areas 1 and 2, during time periods specified in regulations.

If the Regional Administrator determines that the Aleutian Islands subarea PSC limit of Chinook salmon specified in regulations is caught while harvesting pollock with trawl gear in the Aleutian Islands subarea between January 1 and December 31, NMFS will prohibit directed fishing for pollock with trawl gear in the Chinook salmon savings area 1, during time periods specified in regulations.

3. Add a new section 8.4.13 to read as follows:

8.4.13 Aleutian Islands Directed Pollock Fishery

Section 803 of the Consolidated Appropriations Act of 2004 (Pub. L. 108-199) established the Aleutian Islands directed pollock fishery allocation to the Aleut Corporation. This act supersedes the AFA provisions for the directed pollock fishery in the Aleutian Islands subarea (AI). Beginning in 2004, the non-CDQ directed pollock fishery in the AI will be fully allocated to the Aleut Corporation for the purpose of economic development in Adak, Alaska. NMFS, in consultation with the Council, will manage the AI directed pollock fishery to ensure compliance with the implementing statute (Pub. L. 108-199) and with the annual harvest specifications. Management provisions and considerations may include but are not limited to: prohibitions on having pollock from more than one management area on board the vessel, catch monitoring control plan requirements for shoreside and stationary floating processors, Aleut Corporation responsibilities for vessel and processor approval and quota management, observer requirements, and economic development reporting.

The harvest specifications for AI directed pollock fishery includes the following provisions:

(A) When the combined BSAI groundfish fishery recommended TACs, without the AI pollock recommended TAC, are equal to the 2 million mt OY specified at § 679.20 (a)(1)(i), the AI pollock fishery recommended TAC would be funded by reducing the BS pollock fishery recommended TAC. When the sum of other BSAI groundfish fishery recommended TACs is below the 2 million mt BSAI OY, the allocation to the AI pollock fishery recommended TAC would be funded from the difference between the sum of all other BSAI groundfish fishery recommended TACs and the OY, to the extent possible in whole or in part from this difference. If the difference is only large enough to fund part of the allocation, the remainder of the funding would come from the BS pollock fishery recommended TAC.

(B) The annual AI pollock TAC will equal the limit on the AI pollock TAC specified in regulations when the AI pollock ABC is equal to or more than the limit on the AI pollock TAC specified in regulations. When the AI pollock ABC is less than the limit on the AI pollock TAC specified in regulations, the annual AI pollock TAC will not exceed the annual AI pollock ABC.

(C) The CDQ directed fishery allowance and the incidental catch allowance (ICA) for pollock in the AI will be deducted from the AI annual pollock TAC.

(D) The A season apportionment will be no greater than the lesser of the annual TAC or 40 percent of the AI pollock ABC. The A season pollock harvest (AI directed pollock fishery, any A season CDQ fishery, and the incidental catch) shall be no more than 40 % of the AI pollock ABC

The directed pollock fishery allocation to the Aleut Corporation for the B season will be equal to the annual AI pollock initial TAC minus the ICA and minus the A season directed pollock fishery allocation. The B season allocation may be further adjusted by rollover of unharvested A season pollock.

(E) Any unharvested pollock allocation from the AI pollock fishery that is not expected to be harvested during the fishing year may be reallocated as soon as practicable to the Bering Sea subarea pollock fishery, in accordance with regulations.

(F) The harvest of the AI directed pollock fishery allocation is limited to vessels eligible to harvest pollock under section 208 of Title II, Division C of Pub. L. 105-277 and vessels 60 feet or less in length over all. During 2005 through 2008, no more than 25 percent of the directed pollock fishery may be allocated to vessels 60 feet or less in length overall. During 2009 through 20012, no more than 50 percent of the directed pollock fishery may be allocated to vessels 60 feet or less in length overall. Beginning in 2013, 50 percent of the directed pollock fishery will be allocated to vessels 60 feet or less in length overall.

4. Revise Appendix III as follows:

- a. Delete subparagraph (1) from paragraph 9. Renumber paragraphs (2) and (3) to paragraphs (1) and (2), respectively.
- b. Revise paragraph 9. to read as follows:

9. Chinook Salmon Savings Areas shown in Figure 27e are defined as follows:

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G:\FMGROUP\Amendment 82\FMP clearance for NOA and PR\BSAI 82 FMP language
11.1.04.wpd

mnbrown 6/15/04, 8/30/04,9/8/04, 10/13/04, 10/22/04 (CDQ reallocation), 10/25/05 removed
CDQ specific reallocation per Oliver., removed supersede text under 13.4.11.2, 11/1/04, revised
for amend 48, 11/4/04

jpollard: 6/16/04

bwilson: 6/23/04

devans: 6/23/04

bmuse: 6/24/04

ssalveson: 8/23/04, 8/30/04