

Department of Commerce



*NMFS Rulemakings
Attachment to
Plan for
Retrospective Analysis of
Existing Rules*



August 2011



**Department of Commerce
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(AKR -- 0648-AW56) Final Rule; Regulatory Amendment to Revise Regulations Regarding Transfers of Quota, Administrative Measures, and Housekeeping Revisions for the Fisheries of the Exclusive Economic Zone off Alaska:

SUMMARY: NMFS issues regulations to provide harvesting cooperatives, crab processing quota share holders, and Western Alaska Community Development Quota (CDQ) groups with the option to make intercooperative transfers, crab individual processing quota transfers, and inter-group transfers through an automated, web-based process. To facilitate web-based transfers, NMFS removes the requirement for notarized signatures for all crab non-permanent leases of individual fishing quota and individual processor quota and removes unnecessary quota share price-related questions. The purpose of this action is to reduce paperwork burdens on the fishing industry by providing the option of electronic transfer through the Internet. This action allows cooperatives, processors, and CDQ groups to shorten response time to management, market, weather, and other fishery and operational conditions and to increase harvesting and processing efficiency. This action also removes detailed description of information required on application forms from regulatory text; removes detailed NMFS mail, fax, and delivery addresses and replaces them with one paragraph stating that the form may be submitted in accordance with instructions on the form; removes outdated survey-type questions from two applications; divides one application into three separate applications; revises the NMFS Alaska Region web address; and corrects cross-references.

PUBLISHED: October 7, 2009

(AKR – 0648-AX53) Final Rule to Revise Rural Eligibility Criteria for the Alaska Subsistence Halibut Fishery:

SUMMARY: NMFS issues a final rule to revise the criteria for rural residents to participate in the subsistence fishery for Pacific halibut in waters in and off Alaska. This action is necessary to allow subsistence halibut fishing opportunities for rural residents who reside in locations outside the legal boundaries of specified communities and who were prohibited from participating in the subsistence halibut fishery by previous regulations. This action is intended to allow these inadvertently-excluded rural residents to participate in the subsistence halibut fishery and to support the conservation and management provisions of the Northern Pacific Halibut Act of 1982.

PUBLISHED: November 4, 2009

(AKR – 0648-AW94) Final Rule; Revisions to Seabird Avoidance Measures for the Alaska Fisheries in Area 4E:

SUMMARY: NMFS issues a final rule that revises the seabird avoidance requirements for the hook-and-line groundfish and halibut fisheries in International Pacific Halibut Commission Area 4E. The final rule eliminates seabird avoidance requirements for hook-and-line vessels less than or equal to 55 ft (16.8 m) length overall in portions of Area 4E in the eastern Bering Sea. This action is necessary to revise seabird avoidance measures based on the latest scientific information and to reduce unnecessary regulatory burdens and associated costs.

PUBLISHED: March 27, 2009



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(AKR – 0648-AY84) Final Rule; Groundfish Fisheries of the Exclusive Economic Zone Off Alaska; American Fisheries Act; Recordkeeping and Reporting:

SUMMARY: NMFS issues this rule to amend the American Fisheries Act implementing regulations that previously required cooperatives participating in the directed fishery for pollock in the Bering Sea to prepare and submit preliminary annual reports to the North Pacific Fishery Management Council (Council). The Council determined that the requirement for cooperatives to submit a preliminary annual report is no longer necessary, and this action eliminates that requirement. This action does not eliminate the requirement for the cooperatives to submit a single annual report to the Council.

PUBLISHED: March 9, 2011

(AKR – 0648-AY38) Final Rule; Pacific Halibut Fisheries; Guided Sport Charter Vessel Fishery for Halibut; Recordkeeping and Reporting:

SUMMARY: NMFS issues regulations to amend the recordkeeping and reporting requirements for the Pacific halibut guided sport fishery in International Pacific Halibut Commission Regulatory Area 2C (Southeast Alaska) and Area 3A (Central Gulf of Alaska). These regulations revise the Federal requirements for submission of Alaska Department of Fish and Game Saltwater Sport Fishing Charter Trip Logbook data sheets, modify the logbook recording requirements, and add a definition of fishing week. This action is necessary to improve consistency between Federal and State of Alaska requirements for the submission of the logbook data sheets and address recent changes by the State to the logbook reporting format.

PUBLISHED: February 7, 2011

(AKR – 0648-AY28) Final Rule; Groundfish Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea/Aleutian Islands Crab Rationalization Program; Recordkeeping and Reporting:

SUMMARY: NMFS issues regulations to remove the Crab Rationalization Program requirements for catcher/processors to weigh all offloaded crab on a state-approved scale that produces a printed record and to submit a catcher/processor offload report. The purpose of this action is to reduce unnecessary paperwork burdens on the fishing industry. NMFS determined that these requirements are no longer necessary.

PUBLISHED: September 16, 2010

(SER – 0648-AY58) Final Rule; Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico and South Atlantic; Revisions to Allowable By catch Reduction Devices:

SUMMARY: In accordance with the framework procedures for adjusting management measures of the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (Gulf FMP) and



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the Fishery Management Plan for the Shrimp Fishery of the South Atlantic region (South Atlantic FMP) NMFS provisionally recertifies two bycatch reduction devices and revises the construction and installation requirements of one of these bycatch reduction devices designs in the southeastern shrimp fishery. The intended effect of this rule is to improve bycatch reduction in the shrimp fishery and better meet the requirements of National Standard 9.
PUBLISHED: May 24, 2010

(NER – 0648-BA42) Interim Final Rule; Fisheries of the Northeastern United States; Tilefish Cost Recovery Regulatory Amendment:

SUMMARY: NMFS issues this interim final rule to amend the cost recovery regulations implementing the Tilefish Fishery Management Plan to require the first year cost-recovery fee percentage to be calculated based on the best estimate of the actual costs associated with the management, data collection and analysis, and enforcement of the individual fishing quota allocation program (not to exceed 3 percent), rather than to be set at the statutory maximum 3 percent of the ex-vessel value of tilefish landings.
PUBLISHED: December 28, 2010

(HQ/OLE – 0648-AY66) Final Rule; Regulations to Amend the Civil Procedures:

SUMMARY: This rule amends the procedures governing NOAA’s administrative proceedings for the assessment of civil penalties; suspension, revocation, modification, or denial of permits; issuance and use of written warnings; and release or forfeiture of seized property. The principal change removes the requirement that an Administrative Law Judge state good reason(s) for departing from the civil penalty or permit sanction assessed by NOAA in its charging document. This revision eliminates any presumption in favor of the civil penalty or permit sanction assessed by NOAA. The other change corrects a clerical error in a citation to rules pertaining to protective orders issued by Administrative Law Judges.
PUBLISHED: June 23, 2010

(NER – 0648-AY86) Emergency Rule for the Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Pollock Catch Limit Revisions:

SUMMARY: NMFS issues this final rule pursuant to its authority to issue emergency measures under the Magnuson-Stevens Fishery Conservation and Management Act. This emergency action implements new stock status determination criteria for pollock and associated increases in pollock catch limits under the Northeast Multispecies Fishery Management Plan, based on the most recent and best available scientific information. Specifically, this emergency action increases fishing year 2010 pollock catch levels specified by Framework Adjustment 44, including Overfishing Levels, Acceptable Biological Catches, Annual Catch Limits, Annual Catch Limit components, incidental Total Allowable Catches for special management programs, and sector Annual Catch Entitlements. The Annual Catch Limit components include sub-Annual Catch Limits for the common pool and sectors.
PUBLISHED: July 20, 2010



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(SER – 0648-BA06) Final Rule; Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Emergency Rule to Authorize Re-Opening the Recreational Red Snapper Season:

SUMMARY: NMFS issues this emergency rule to authorize the Regional Administrator, Southeast Region, NMFS (RA) to re-open the Gulf of Mexico (Gulf) recreational red snapper season after the September 30, 2010, end of the fishing season. NMFS has determined that the recreational red snapper quota was not met by the 12:01 a.m., local time, July 24, 2010, closure date. The BP Deepwater Horizon MC252 oil spill and the associated large-area fishery closure (fishery closed area) in the north-central Gulf are located where a substantial portion of the recreational red snapper fishing effort occurs. Therefore, the Gulf of Mexico Fishery Management Council requested NMFS publish this emergency rule. The intent of this rulemaking is to provide the RA the authority to allow fishermen the opportunity to harvest the recreational red snapper quota, and to achieve the optimum yield for the fishery, thus enhancing social and economic benefits to the fishery.

PUBLISHED: September 24, 2010