



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

August 24, 2016

Mr. Philip Powell
In-house Counsel
Global Seas, LLC
2500 West Marina Place
Seattle, Washington 98199

Dear Mr. Powell:

This letter is in response to your recent inquiry to NMFS Alaska Region requesting if, as an American Fisheries Act (AFA) inshore catcher vessel, the *F/V Defender* (USCG O.N. 1194562) can act as a catcher/processor vessel when harvesting Pacific cod in the Bering Sea and Aleutian Islands (BSAI) management area. Your inquiry was directed at Pacific cod harvested as incidental catch in the Bering Sea pollock fishery and in a Pacific cod directed fishery.

The *F/V Defender* (formerly the *Western Venture*) is an approved AFA replacement vessel. The *F/V Defender* replaced AFA catcher vessel *Arctic Wind* in November 2015. The *F/V Defender's* AFA Catcher Vessel Permit authorizes that vessel to participate in the pollock directed fishery in the Bering Sea inshore sector. As an AFA inshore catcher vessel, the *F/V Defender* is not exempt from BSAI groundfish, including Pacific cod, or Gulf of Alaska groundfish sideboard limits.

The *F/V Defender* is currently named on License Limitation Program (LLP) groundfish license LLG-3689, which authorizes the named vessel to participate in directed fishing for LLP groundfish species as a catcher/processor in the BSAI trawl and non-trawl groundfish directed fisheries unless otherwise prohibited.

The *F/V Defender* also has a Federal Fisheries Permit, number 34279, issued by NMFS Alaska Region that includes self-selected endorsements for groundfish fishing in the BSAI with catcher vessel and catcher/processor operation types, trawl and hook-and-line gear endorsements, and specific species endorsements for Pacific cod, pollock, and BSAI Atka mackerel, which require an operational vessel monitoring system.


The BSAI Catcher Processor Capacity Reduction Program, found in section 219 of the Consolidated Appropriations Act, 2005 (Public Law 108-447), prohibits the *F/V Defender* from participation in the catcher/processor sector allocations for BSAI Pacific cod. However, Federal regulations pertaining to the pollock directed fishery in the Bering Sea, as well as the harvesting and processing of Pacific cod in the BSAI, do not appear to prohibit the *F/V Defender* from processing Pacific cod harvested with trawl gear in the BSAI as it is currently federally permitted. The *F/V Defender* is in the AFA Inshore Sector and any Pacific cod harvested in the BSAI will accrue to the BSAI Pacific cod trawl catcher vessel allocation



(50 CFR 679.20(a)(7)(ii)(A)(9)), whether that Pacific cod is processed on board the vessel or delivered to a shoreside processor. Additionally, the F/V *Defender* is subject to BSAI Pacific cod AFA catcher vessel sideboard limits and must cease directed fishing for Pacific cod when that fishery is closed to sideboarded catcher vessels. Finally, the F/V *Defender*, when acting as a catcher/processor, must comply with all observer program, monitoring, and recordkeeping and reporting requirements applicable to a catcher/processor operating in the BSAI. This includes having two full-time observers on board the vessel as required under 50 CFR 679.51(a)(2)(vi)(C).

If you have any further questions regarding this matter, please contact NMFS Alaska Region, Tracy Buck, Restricted Access Management Program, at (907) 586-7431 or Mary Furuness, Sustainable Fisheries Division, at (907) 586-7228.

Sincerely,


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

cc: Chris Oliver, North Pacific Fishery Management Council