

## CDQ Pollock Maximum Retainable Amounts

What is the pollock maximum retainable amount (MRA) for a listed American Fisheries Act (AFA) vessel when it is engaged in groundfish Community Development Quota (CDQ) fishing as defined at 50 CFR part 679.2 for Amendment 80 groundfish species (e.g., BSAI yellowfin, flathead, rock sole, Atka mackerel, Pacific cod, and Aleutian Islands Pacific ocean perch)?

Section 305(i)(1)(B)(iv) authorizes any vessels that participate in the groundfish CDQ fishery for Amendment 80 groundfish species to calculate the pollock MRA on an offload to offload basis as established at 50 CFR 679.20(e)(3)(iii).

The rulemaking ([77 FR 6492, March 9, 2012](#)) to align regulations with changes made to the Magnuson-Stevens Fishery Conservation and Management Act (MSA) in 2006 did not clearly allow listed AFA vessels to calculate the MRA for the incidental catch of pollock in the groundfish CDQ fisheries from offload to offload. However, some language added to the MSA in 2006 requires treating the regulation of all incidental catch in the CDQ program similarly. Section 305(i)(1)(B)(iv) of the MSA states, “The harvest of allocations under the program for fisheries with individual quotas or fishing cooperatives shall be regulated by the Secretary in a manner no more restrictive than for other participants in the applicable sector, including with respect to the harvest of non-target species.”

Also, there was a Congressional Record clarification on April 6, 2006, that stated, “The harvest of the CDQ allocations be regulated in a manner no more restrictive or costly than for other participants in the applicable sector. This section applies to fisheries with individual quotas or fishing cooperatives.”

The National Marine Fisheries Service, Alaska Regional Office (NMFS) has reviewed the MSA, the CDQ regulation of harvest rulemaking, the Amendment 80 Program cooperative rulemaking, and the 50 CFR part 679 regulations related to pollock MRAs. Pursuant to section 305(i)(1)(B)(iv), harvest of Amendment 80 groundfish species under the CDQ program can be regulated in a manner no more restrictive than harvest of those same species under the Amendment 80 Program. For vessels that participate in the Amendment 80 Program, the MRA for pollock harvested in the BSAI is calculated at the end of each offload and is based on the basis species harvested since the previous offload. When any vessels fish for Amendment 80 species under the CDQ Program—including AFA vessels—those vessels should be subject to the same MRA calculation regulations.