

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CONSERVATION LAW FOUNDATION, <u>et al.</u> , Plaintiffs)	
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)	CIVIL ACTION NO. 00-1134 (GK)
)	
v.)	
)	
DONALD L. EVANS, <u>et al.</u> , SECRETARY OF COMMERCE Defendants)	
)	

DECLARATION OF PATRICIA A. KURKUL

I, PATRICIA A. KURKUL, declare as follows:

1. I am the Northeast Regional Administrator of the National Marine Fisheries Service (NMFS), Gloucester, Massachusetts. In this capacity, I am responsible for the development of policy and the implementation of science and management programs for the living marine resources of the northeastern United States. I represent the Secretary of Commerce on the New England Fishery Management Council and in other regional activities. I supervise the 460 personnel in the Region who are charged with the implementation of fishery management plans.

2. The purpose of this declaration is to provide information on NMFS plan to respond to the Court's December 28, 2001, Order by bringing the Northeast Multispecies Fishery

Management Plan (FMP) into full compliance with the Sustainable Fisheries Act (SFA), the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and all other applicable law as quickly as possible. This declaration also responds to the remedy proposed to the Court by the Plaintiffs in this case on January 19, 2002.

NMFS Plan for Compliance With the Court's Opinion

3. NMFS plan to bring the FMP into full compliance with the SFA, the Magnuson-Stevens Act and all other applicable law as quickly as possible consists of three components, as follows: (1) NMFS will immediately develop, on behalf of the Secretary of Commerce (Secretary), a Secretarial interim action under authority of section 305(c) of the Magnuson-Stevens Act, to be implemented by May 1, 2002, to be effective for 180 days. This interim action will put in place very significant measures to reduce fishing effort and mortality on major groundfish stocks in the Northeast and to monitor and assess bycatch. This action can be implemented in compliance with other applicable law such as the National Environmental Policy Act (NEPA) and Administrative Procedure Act (APA) because it builds on measures developed and analyzed by the Council, after public comment, for Framework 36 to the FMP. (2) NMFS will also immediately develop a Secretarial Amendment to the FMP, under authority of section 304(e) of the Magnuson-Stevens Act, to be implemented before the Secretarial interim action expires in October 2002. This Amendment would implement significant conservation measures on a longer term basis, and would allow NMFS to comply with the SFA and other provisions of the Magnuson-Stevens Act, NEPA, APA and other applicable law for measures that could not be implemented in compliance with such law under the interim action described above. (3) Finally, NMFS and the New England Fishery Management Council (Council) will complete Amendment 13 to the FMP on an accelerated basis to bring the FMP into full compliance with all provisions

of the SFA, the Magnuson-Stevens Act, NEPA, APA and other applicable law. Amendment 13 will be implemented by August 2003. The three components of this remedy are more fully described in the following paragraphs.

Secretarial Interim Action.

4. NMFS will immediately develop, on behalf of the Secretary of Commerce (Secretary), a Secretarial interim action under authority of section 305(c) of the Magnuson-Stevens Act, to be implemented by May 1, 2002, to be effective for 180 days. This action will be initiated immediately and implemented by the start of the next fishing year on May 1, 2002. The interim measures will significantly reduce overfishing of Gulf of Maine and Georges Bank cod immediately, will reduce overfishing on other overfished species of regulated groundfish, and will reduce fishing mortality on other groundfish stocks that are not overfished. The measures in this action have been derived from Alternative 5 of Framework 36 to the FMP, as developed and analyzed, but not acted upon, by the Council. However, whereas the Council's Alternative 5 was designed to implement conservation measures over 2 years, NMFS will accelerate the implementation of measures to achieve the full conservation benefits in 1 year, and will include additional measures to reduce fishing mortality. Measures currently being considered include at least the following measures: temporal extension of existing area closures, new area closures, new gear restrictions, significant days-at-sea (DAS) reductions, and new, much more restrictive recreational fishing measures. The specific measures for the interim action under consideration are listed in Attachment A. The measures will provide immediate and substantive protection for the 1998 year class of Gulf of Maine cod, which is important to the rebuilding of that stock, as well as protection for the older, fully recruited year classes. These measures will be in place for up to 180 days, as allowed by statute, by which time the measures in the Secretarial Amendment

to the FMP described below will have been implemented. Although the measures in this interim action were specifically designed to reduce fishing effort and mortality on cod, they will also contribute substantially to reducing fishing effort and mortality on all groundfish stocks.

5. NMFS will also significantly expand its observer coverage in the Northeast multispecies fishery to monitor and collect information on bycatch, as well as other biological and fishery related information, by May 1, 2002. Observer coverage will be increased by approximately 1,200 days, with coverage distributed over gear categories, vessel size categories and fishing regions, in order to provide statistically sound estimates of directed catch, non-directed catch and discards (bycatch). This is more than double the calendar year 2001 observer coverage level. This will provide additional information to be used in developing measures to minimize bycatch.

6. NMFS is preparing an Environmental Assessment (EA) to comply with the requirements of the National Environmental Policy Act (NEPA), which it believes will result in a finding of no significant impact on the human environment because of the limited duration of this action. NMFS will be able to prepare an adequate EA in the short time available by utilizing work already done by the Council and NMFS with respect to Framework 36. In addition, NMFS will prepare all of the necessary analyses and determinations to ensure compliance with Executive Order 12866, the Coastal Zone Management Act, the Marine Mammal Protection Act, the Endangered Species Act, the Paperwork Reduction Act and all other applicable law. NMFS will implement this action as expeditiously as possible within the statutory constraints of these laws. NMFS intends to waive notice and comment rulemaking under the Administrative Procedure Act (APA), based on a finding of good cause that proposed and comment rulemaking would be contrary to the public interest, in order to implement this action by the start of the next

fishing year. If necessary to achieve the May 1, 2002, implementation date, NMFS will also seek waiver of all or part of the 30-day delay in effectiveness required under the APA.

7. NMFS believes that the interim action authority is the only reasonable means available to achieve short-term remedies that are both effective in terms of their conservation benefits and that comply with all applicable law. While NMFS will keep the Council informed of this action, NMFS will be fully responsible for its development and implementation.

Secretarial Amendment to the FMP.

8. NMFS will also immediately develop a Secretarial Amendment to the FMP, under authority of section 304(e) of the Magnuson-Stevens Act, to be implemented before the Secretarial interim action expires in October 2002. It will extend and/or modify as necessary the interim measures described above to significantly reduce overfishing of Gulf of Maine cod and Georges Bank cod and to reduce fishing mortality on other species of regulated groundfish. The specific measures for the Secretarial Amendment are listed in Attachment B. The measures in the interim action and this amendment are projected to reduce fishing mortality on Gulf of Maine cod by approximately 60 percent and on Georges Bank cod by approximately 20 percent during the 2002-03 fishing year. The reductions in fishing mortality are based primarily on models, using extensive historical data, that simulate projected harvests of fish by the number of days fished and areas fished. In addition, projections are made on expected reductions in mortality due to gear requirements, recreational fishing restrictions and other measures not included in the model. The projections are based on both the interim measures and this amendment in order to estimate mortality reductions for the entire 2002-03 fishing year. These measures will be put in place until such time that the more comprehensive measures in Amendment 13 are implemented. The expanded observer program to monitor and collect information on bycatch in this fishery, as

well as other biological and fishery related information, will be continued.

9. Because this action will be of longer duration than the interim action described above and is expected to have a significant impact on the human environment, NMFS will prepare a Draft Supplemental Environmental Impact Statement (DSEIS) to comply with the requirements of NEPA. The fact that the Council has already completed much of the necessary NEPA analyses will facilitate the timely completion of this action. In addition, NMFS will prepare all of the necessary analyses to ensure compliance with Executive Order 12866, the Coastal Zone Management Act, the Marine Mammal Protection Act, the Endangered Species Act, the Paperwork Reduction Act and all other applicable law. Because a proposed rule must be prepared for this action, NMFS will complete an Initial Regulatory Flexibility Analysis (IRFA) at the proposed rule stage, and a Final Regulatory Flexibility Analysis (FRFA) at the final rule stage, to assess the impacts of this rule on small entities, as required by the Regulatory Flexibility Act. NMFS will seek waiver of all or part of the 30-day delay in effectiveness required under the APA, if necessary to implement the final rule for this action before expiration of the interim action described above. NMFS will keep the Council informed of this action, but will be fully responsible for its development and implementation.

Amendment 13 to the FMP.

10. The Council, with assistance from NMFS, is developing an amendment to the FMP to end or prevent overfishing of all stocks of regulated groundfish in the FMP not fully addressed by the two previous actions. This is a comprehensive amendment to bring the FMP into compliance with all aspects of the SFA, the Magnuson-Stevens Act and NEPA by, among other things, updating Amendment 9 in light of the best scientific information available, and, curing NEPA defects regarding Essential Fish Habitat requirements (to comply with the American

Oceans Campaign v. Daley settlement agreement). The amendment will include any necessary revisions of overfishing definitions, status determination criteria, and rebuilding plans to cover all regulated stocks. The resultant measures will be based on the best scientific information available and will reflect the most recent stock assessment advice. To this end, NMFS has already conducted a workshop with NMFS and outside scientists to re-estimate biological reference points necessary to establish rebuilding programs in compliance with the SFA. (See Dr. Michael Sissenwine's affidavit for a more complete description of the workshop, its objectives and expected time schedule). These measures will be in place permanently, or until such time that the FMP is further amended. The expanded observer program to monitor and collect information on bycatch in this fishery, as well as other biological and fishery related information, will be continued. Amendment 13 will include specific measures to minimize bycatch, to the extent practicable.

11. This action is expected to have significant impacts on the human environment. Therefore, it will require the preparation of a DSEIS and compliance with the statutory timelines for public input to satisfy the requirements of NEPA. In addition, the Council, with assistance from NMFS, will prepare the necessary analyses to ensure compliance with Executive Order 12866, the Coastal Zone Management Act, the Marine Mammal Protection Act, the Endangered Species Act, the Paperwork Reduction Act and all other applicable law. Because a proposed rule must be prepared for this action, NMFS will also need to prepare an IRFA at the proposed rule stage, and a FRFA at the final rule stage to comply with the Regulatory Flexibility Act. In addition to compliance with statutory requirements, these processes provide an important framework through which the agency may address the competing interests of various stakeholders in the fishery.

12. NMFS, in consultation with the Council, has established an expedited schedule that calls for the Council to develop and adopt alternatives for Amendment 13 by July 15, 2002. Preparation of a DSEIS is to be completed by November 1, 2002, and after statutorily required public notice and comment procedures, the Council will adopt the final supplemental environmental impact statement (FSEIS) by February 14, 2003. The Council will submit the proposed Amendment 13 and FSEIS to NMFS by March 14, 2003. After statutorily required procedures, NMFS anticipates publishing the final rule on July 23, 2003, for implementation on August 22, 2003. A development and implementation timeline is attached hereto as Attachment C, with certain critical dates identified. In the event the Council is unable to meet the necessary deadlines, such that implementation of the amendment may be delayed, NMFS will assume full responsibility for completion of Amendment 13. Should the Council fail to meet any of the critical dates identified, NMFS will take over the action from that point in the process and will proceed with the analyses and other documents already prepared by the Council in order to complete the amendment (as a Secretarial Amendment) in close to the same timeframe.

13. The Council has committed to a very expedited amendment development process that would provide for full public participation of a broad range of stakeholders, including the Plaintiffs. NMFS believes this is critical to the ultimate success of this important and far-ranging amendment, which will have significant impacts on all sectors of both the commercial and recreational groundfish fisheries through a unique Plan Development Team process. The process would utilize teams of Council members, industry advisors and plaintiffs representatives to develop alternatives for management measures.

Response to Plaintiffs Position as to Remedy

14. On January 19, 2002, the Plaintiffs submitted to the Court a Statement of Plaintiffs Position as to Remedy. Specifically, the Plaintiffs requested that NMFS implement additional observer coverage, develop and implement a plan for the use of a Vessel Monitoring System (VMS), implement a hard quota or total allowable catch (TAC) level for each groundfish stock, and monitor and minimize bycatch. NMFS strongly believes that the specific measures necessary to achieve the specified goals of the FMP should be developed by the Council and NMFS and that the measures and the process should comply with all applicable laws. NMFS responds to the Plaintiff s request in the following paragraphs.

Observer coverage

15. NMFS agrees that increased observer coverage would be very beneficial for obtaining better estimates of directed catch, non-directed catch, and discards (bycatch), and is committing substantial additional resources to this program for implementation by May 1, 2002. However, arbitrarily requiring a specific level of observer coverage is not particularly useful. It is the sample size of the observations, and not the percentage of observer coverage, that is statistically important to achieving estimates of bycatch that are scientifically valid. Therefore, NMFS will develop its expanded observer program to achieve statistically meaningful results, rather than on some arbitrary coverage rate.

VMS

16. Plaintiffs requested that NMFS, within 3 months of the Court s order, develop a plan for use of a two-way VMS data collection system for every vessel with a groundfish permit and on all other vessels with a significant level of groundfish bycatch, to be implemented within 7 months of the Court s order. Plaintiffs argue that this would be an important tool to monitor TACs, bycatch mortality, DAS, trip limits and closed area enforcement.

17. NMFS agrees that VMS is a valuable enforcement tool. However, given the costs associated with the scope of implementation asked for by the Plaintiffs, NMFS does not agree that such a VMS program is the most appropriate mechanism for monitoring at this time. An individual VMS unit costs from \$5,000 to \$6,000 dollars. Currently, about 1,650 vessels hold limited access multispecies permits. Therefore, the total cost associated with obtaining VMS units for limited access vessels alone would be approximately \$9 million dollars. Additionally, monthly charges per vessel of \$150 to \$180 dollars would be required to maintain an operational VMS and for transmission of e-mail messages. Requiring VMS for open access groundfish vessels (roughly 2,200 vessels) and for all other vessels that catch what is considered a significant amount of groundfish bycatch could more than double these costs. NMFS does not have the resources to implement such an expensive program. Furthermore, there are other far less expensive ways to obtain the information that plaintiffs are seeking. For example, the NMFS Northeast Region is already operating an Interactive Voice Response (IVR) reporting system for fisheries that use hard TACs for management. This system provides for timely reporting without the enormous costs associated with VMS.

18. Reporting of bycatch is currently required of all federally permitted vessels fishing in fisheries managed by the Council. For each fishing trip, vessels must submit to NMFS a detailed Fishing Vessel Trip Report (FVTR), which includes reporting of total pounds of all species caught, both landed and discarded. NMFS acknowledges that misreporting and/or lack of reporting of discard information occurs on FVTRs. However, there is no reason to believe that requiring vessels to report discard information through VMS e-mail messaging would provide any greater veracity of the information, since the quality of the data reported under either method is dependent on the honesty and accuracy of the person reporting that information. Information

obtained through the observer program is a very reliable way to determine bycatch in the fishery and can be used to audit information collected through the FVTR system.

19. Groundfish DAS are tracked primarily through the NMFS DAS call-in system, whereby vessels start their DAS clock by calling into the DAS program prior to leaving port, and stop their DAS clock by calling out of the DAS program after returning to port. At present, approximately 110 groundfish vessels use the VMS system of notification, either due to requirements imposed on them by other FMPs, or voluntarily.

20. Enforcement of trip limits occurs at the dock and by investigating FVTRs and landings data submitted through Dealer Reports. While VMS is useful in determining where a vessel is fishing or has fished, NMFS does not believe that a VMS requirement would help directly to monitor trip limits. Closed areas are among the most enforceable management measures. Enforcement of closed areas has not been cited as a major problem. Although use of VMS could enhance the enforceability of the area closures, the costs associated with implementation of VMS on such a large scale would be prohibitive at this time.

Hard TACS

21. The Plaintiffs requested that NMFS implement hard TACs as a backstop management measure to ensure that the individual groundfish TACs established for each fishing year would not be exceeded. While hard TACs can be an effective management measure, the use of a hard TAC quota monitoring system in multispecies fisheries requires careful consideration, analysis, and development. For example, because vessels catch several different groundfish species during each fishing trip, once the fishery for a species or stock is closed due to attainment of a hard TAC, many vessels may continue to fish on the remaining allowable species, which results in discarding of the prohibited fish. These regulatory discards would be contrary to

efforts to minimize bycatch. Given the complex issues surrounding the development of a successful and non-wasteful hard TAC system, it is not feasible to implement such a system in the timeframe requested by the Plaintiffs.

Minimization of bycatch

22. In addition to devising a program to monitor bycatch, the Plaintiffs also stated that NMFS must minimize bycatch and bycatch mortality from groundfish fisheries, and groundfish bycatch and bycatch mortality in all other fisheries. Plaintiffs argue that it is critical to set bycatch TACs for all managed and non-managed species. In recent years, measures promulgated under the FMP to address bycatch have been extensive. Several gear restrictions are in place designed to allow escapement of smaller fish from fishing nets. Currently, the multispecies regulations prohibit all vessels from fishing in any fishery in the EEZ, from the Canadian border through southern New England, where the amount of regulated species (i.e., regulated under the FMP) is equal to or greater than 5 percent of the total catch, unless the vessel is fishing under a multispecies or scallop DAS. Additional measures to minimize bycatch that will be implemented through the Secretarial actions include, but may not be limited to, additional closed areas, increased minimum mesh size requirements, large effort reductions and recreational fishing restrictions. NMFS is also working with the industry through cooperative research programs and experimental fisheries to encourage the development and testing of new gear designs that will significantly reduce bycatch.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Gloucester, Massachusetts, on this 20th day of February, 2002.

Patricia A. Kurkul

Regional Administrator, Northeast Region, NMFS

ATTACHMENT A

INTERIM ACTION ADDITIONAL EFFORT-REDUCTION MEASURES*

When fishing in the Gulf of Maine (GOM) under a multispecies day-at-sea (DAS) -

Count DAS at a rate of 2:1

Restrict vessels from fishing more than 25-percent of their allocated DAS during each of the first two quarters of the fishing year (May through July and August through October)

When fishing outside of the GOM under a multispecies DAS -

Count DAS at a rate of 2:1 during May through July

Restrict vessels from fishing more than 25-percent of their allocated DAS during May through July

Additional measures that apply everywhere for duration of action -

Count multispecies DAS as a minimum of 24 hours

Prohibit front-loading of the DAS clock (require that vessels leave port within 1 hour after calling into the DAS program to prevent vessels from accumulating time for the purposes of directing effort on GOM cod)

Eliminate the Large-Mesh Vessel permits (these permits provide increased DAS)

ADDITIONAL CLOSURE AREAS

Close the inshore Western Gulf of Maine Closure Area (set to expire May 1, 2002)

Close an offshore portion of the GOM, i.e., statistical area blocks 128, 129 and 130

Add additional inshore seasonal closure areas, i.e., statistical area blocks 124 and 125 during the month of May and 132 and 133 during June

ADDITIONAL GEAR RESTRICTIONS

Require 6.5-inch diamond mesh or 7.0-inch square mesh codend for trawl vessels and 7.0-inch mesh nets for gillnet vessels when fishing under a multispecies DAS in the GOM (current mesh size restriction allows all vessels a choice of 6-inch diamond or 6.5-inch square mesh throughout net)

Reduce Dayboat gillnet allowance to 50 roundfish nets or 100 flatfish nets (currently the regulations allow 80 or 160 nets, respectively) when fishing under a multispecies DAS (applied in all areas)

ADDITIONAL RECREATIONAL MEASURES

Private recreational vessels fishing in the GOM -

Increase the minimum fish size for cod in or from Federal waters to 24-inches

Decrease the bag (possession) limit for cod in or from Federal waters to five fish

Federally Permitted Charter/Party vessels fishing in the GOM -

Increase the cod minimum fish size to 22-inches

Require vessels intending to charter/party fish in the inshore GOM rolling closure areas to declare into the charter/party fishery for duration of the action (these vessels will be prohibited from fishing under a DAS (i.e., prohibited from selling fish))

All recreational (private and charter/party vessels) -

Prohibit vessels from fishing in the Western Gulf of Maine Closure Area year-round

* All status quo measures will continue to apply, including the GOM cod 400 lb per day/4,000 lb per trip fish limit. All measures are for the duration of the Interim Action unless otherwise stated.

ATTACHMENT B

SECRETARIAL AMENDMENT ADDITIONAL EFFORT-REDUCTION MEASURES*

When fishing in the GOM under a multispecies DAS -

Count DAS at a rate of 2:1 during the period May through October

Restrict vessels from fishing more than 25-percent of their allocated DAS during each of the first two quarters of the fishing year (May through July and August through October)

When fishing outside of the GOM under a multispecies DAS -

Count DAS at a rate of 2:1 during May through July

Restrict vessels from fishing more than 25-percent of their allocated DAS during May through July

Additional measures that apply everywhere for duration of action -

Count multispecies DAS as a minimum of 24 hours

Prohibit front-loading of the DAS clock (require that vessels leave port within 1 hour after calling into the DAS program to prevent vessels from accumulating time for the purposes of directing effort on GOM cod)

Eliminate the Large-Mesh Vessel permits (these permits provide increased DAS)

ADDITIONAL CLOSURE AREAS (and changes to current closures)

Close the inshore Western Gulf of Maine Closure Area year-round (set to expire May 1, 2002)

Close an offshore portion of the GOM year-round, i.e., statistical area blocks 128, 129 and 130

Add additional inshore seasonal closure areas, i.e., statistical area blocks 124 and 125 during the month of May and 132 and 133 during June
Elimination of the inshore GOM January through March closure area, i.e., statistical area blocks 124 and 125, and the Cashes Ledge Closure Area

ADDITIONAL GEAR RESTRICTIONS

Require 6.5-inch diamond mesh or 7.0-inch square mesh codend for trawl vessels and 7.0-inch mesh nets for gillnet vessels when fishing under a multispecies DAS in the GOM (current mesh size restriction allows all vessels a choice of 6-inch diamond or 6.5-inch square mesh throughout net)
Reduce Dayboat gillnet allowance to 50 roundfish nets or 100 flatfish nets (currently the regulations allow 80 or 160 nets, respectively) when fishing under a multispecies DAS (applied in all areas)

ADDITIONAL RECREATIONAL MEASURES

Private recreational vessels fishing in the GOM -

Increase the minimum fish size for cod in or from Federal waters to 24-inches
Decrease the bag (possession) limit for cod in or from Federal waters to five fish

Federally Permitted Charter/Party vessels fishing in the GOM -

Increase the cod minimum fish size to 22-inches
Require vessels intending to charter/party fish in the inshore GOM rolling closure areas to declare into the charter/party fishery for duration of the action (these vessels will be prohibited from fishing under a DAS (i.e., prohibited from selling fish))

All recreational (private and charter/party vessels) -

Prohibit vessels from fishing for cod in federal waters during the period November through March in GOM
Prohibit vessels from fishing in the Western Gulf of Maine Closure Area

* All status quo measures will continue to apply, including the GOM cod 400 lb per day/4,000 lb per trip fish limit.

ATTACHMENT C

Amendment 13 to the Northeast Multispecies Fishery Management Plan New England Council Development & Implementation Timeline

02/26/02 - Council develops Amendment 13 alternatives.
07/15/02

07/15/02 Council adopts Amendment 13 alternatives.*

10/01/02 NMFS begins work on Biological Opinion, if needed.

10/21/02 Council adopts Draft Supplemental Environmental Impact Statement (DSEIS) for Amendment 13.*

11/01/02 Council submits formal DSEIS to NMFS/NOAA.

11/29/02 NOA for DSEIS published in the Federal Register w/45-day comment period.

12/16/02 - Public hearings conducted.
01/03/03

01/13/03 DSEIS 45-day comment period ends.

01/31/03 NMFS completes Biological Opinion, if needed.

02/14/03 Council adopts FMP Amendment and Final Supplemental Environmental Impact Statement (FSEIS).*

03/14/03 Council submits Amendment and FSEIS to NMFS Region.

04/18/03 NOA for Amendment published in Federal Register w/60-day comment period.

05/09/03 NMFS publishes proposed rule for Amendment w/45-day comment period.

05/30/03 NOA for FSEIS published in Federal Register w/30-day cooling-off period.

- 06/17/03 Comment period (60 days) on the NOA for Amendment ends. Decision on Amendment must be made within 30 days.
- 06/23/03 Comment period (45 days) on the proposed rule ends. Final rule must be published within 30 days.
- 06/30/03 Cooling-off period for FSEIS ends.
- 07/07/03 NMFS approves, disapproves, or partially approves Amendment 13.
- (07/17/03) Final decision to approve, disapprove, or partially approve the Amendment is made (no earlier than 07/02/03 - no later than 07/17/03)).
- 07/23/03 Final rule published w/30-day delayed effectiveness period.
- 08/22/03 Final rule becomes effective.

* These are critical dates that the Council must meet or NMFS will take action.

