

Appellant was bottomfishing in the same area as he was salmon fishing. There is no text in column seventeen that would identify the statistical area where bottomfish fishing occurred. In short, I see no indication a reasonable person would conclude Appellant was bottomfishing in the statistical areas where he indicated he was salmon fishing.

In reaching the Decision and again while reviewing Appellant's motion, I have carefully considered Appellant's concerns about the effect of not receiving a permit from NMFS. Unfortunately, the regulations do not allow me to offer relief if an applicant does not meet the permit eligibility requirements.

After carefully reviewing the file, including the Decision and Appellant's Motion for Reconsideration, I conclude the Decision does not contain material errors of law or fact. Accordingly, I deny Appellant's Motion for Reconsideration.

The new effective date of the Decision is February 24, 2012 subject to the Regional Administrator's review.²



Eileen G. Jones
Chief Administrative Judge

Date Issued: January 25, 2012

² <http://www.fakr.noaa.gov/appeals/reconsiderationpolicy.htm>; 50 C.F.R. § 679.43(o).