SCOMM 102:13

REPRESENTATIVE ALAN AUSTERMAN Alaska State Legislature

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Sponsor Statement
HB 310

HB 310 extends, to other groundfish species, the current ban in state law regarding the waste of pollock. It authorizes the Alaska Board of Fisheries to require processors to met minimal standards for the utilization of other groundfish in addition to pollock, similar to regulations adopted by the Secretary of Commerce for offshore processors. The legislation is necessary because current state law only prohibits the waste of pollock and not other groundfish species, such as Pacific cod, rock sole, and yellowfin sole.

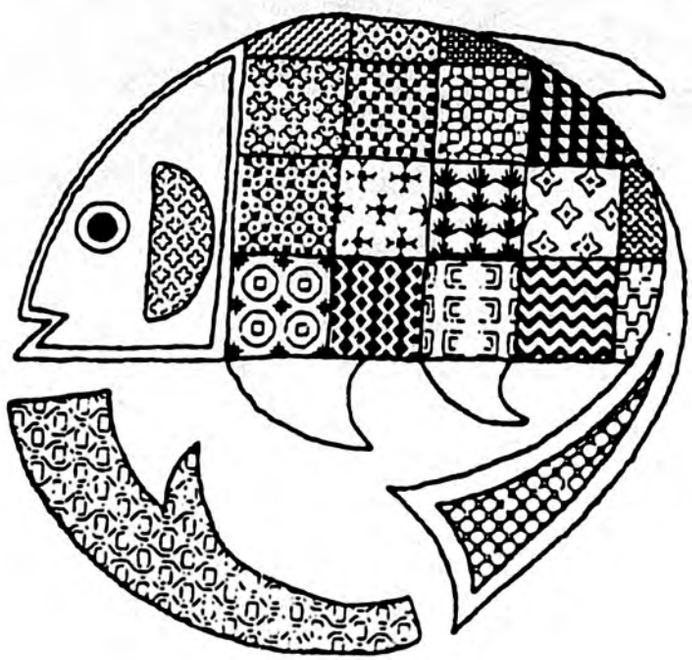
The State of Alaska and the North Pacific Fisheries Management Council are moving in concert to reduce waste in the groundfish fisheries of the Gulf of Alaska and Bering Sea. For several years the North Pacific Fisheries Management Council has been studying ways to reduce the discard of fish caught in the groundfish fisheries of the Bering Sea and Gulf of Alaska. The Council has determined that a large proportion of the fish discarded are discarded for economic reasons; in particular, pollock, Pacific cod, rock sole and yellowfin sole are being discarded at unacceptably high rates.

The council selected pollock and Pacific cod as targets for immediate inclusion in its plan to increase retention and utilization (IR/IU). Yellowfin sole and rock sole are scheduled to be included in the IR/IU program beginning January 1, 2003. The Council plan requires: 1) catcher vessels to retain all fish harvested of the species designated for IR/IU when directed fishing for these species is open, or the Maximum Retainable Bycatch (MRB) when directed fisheries for these species is closed; 2) a product be retained from every fish harvested; 3) processors to produce primary products that utilize at least fifteen percent of the total weight of the harvested species subject to IR/IU rules.

During the Council deliberations on IR/IU, the State of Alaska agreed to adopt a corresponding program for shorebased processors and vessels fishing for groundfish in state waters. The National Marine Fisheries Service has recently implemented a program for improved retention of pollock and Pacific cod for vessels operating in the Gulf of Alaska and Bering Sea exclusive economic zones. The state board of Fisheries has acted to adopt mirroring regulations for the retention of pollock and Pacific cod by fishing vessels and for the utilization of pollock by processors. However, without this legislation, the board cannot regulate the utilization of Pacific cod by processors.

Magnuson-Stevens Fishery Conservation and Management Act

As Amended Through October 11, 1996



U.S. Department Of Commerce
Michael Kantor, Secretary

National Oceanic and Atmospheric Administration
D. James Baker, Under Secretary for Oceans and Atmosphere

National Marine Fisheries Service
Rolland A. Schmitten, Assistant Administrator for Fisheries

NOAA Technical Memorandum NMFS-F/SPO-23
December 1996

(4) If the Secretary remands a plan or plan amendment to the Council for failure to meet the requirements of this section, the Council may resubmit such plan or plan amendment at any time after taking action the Council believes will address the defects identified by the Secretary. Any plan or plan amendment resubmitted to the Secretary will be treated as an original plan submitted to the Secretary under paragraph (1) of this subsection.

(d) FISHERY OBSERVER FUND.--There is established in the Treasury a North Pacific Fishery Observer Fund. The Fund shall be available, without appropriation or fiscal year limitation, only to the Secretary for the purpose of carrying out the provisions of this section, subject to the restrictions in subsection (b)(2) of this section. The Fund shall consist of all monies deposited into it in accordance with this section. Sums in the Fund that are not currently needed for the purposes of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

(e) SPECIAL PROVISIONS REGARDING OBSERVERS.--

(1) The Secretary shall review--

(A) the feasibility of establishing a risk sharing pool through a reasonable fee, subject to the limitations of subsection (b)(2)(E) of his section, to provide coverage for vessels and owners against liability from civil suits by observers, and

(B) the availability of comprehensive commercial insurance for vessel and owner liability against civil suits by observers.

(2) If the Secretary determines that a risk sharing pool is feasible, the Secretary shall establish such a pool, subject to the provisions of subsection (b)(2) of this section, unless the Secretary determines that--

(A) comprehensive commercial insurance is available for all fishing vessels and United States fish processors required to have observers under the provisions of this section, and

(B) such comprehensive commercial insurance will provide a greater measure of coverage at a lower cost to each participant.

104-297

(f) BYCATCH REDUCTION.--In implementing section 303(a)(11) and this section, the North Pacific Council shall submit conservation and management measures to lower, on an annual basis for a period of not less than four years, the total amount of economic discards occurring in the fisheries under its jurisdiction.

The Agency's generic certification for promulgation of new SNURs appears on June 2, 1997 (62 FR 29684) (FRL–5597–1), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

X. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the Agency has submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of this rule in today's **Federal Register**. This is not a major rule as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous materials, Recordkeeping and reporting requirements.

Dated: June 18, 1997.

Ward Penberthy,

Acting Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

Therefore, it is proposed that 40 CFR part 721 be amended as follows:

PART 721—[AMENDED]

1. The authority citation for part 721 would continue to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

2. By adding new § 721.5867 to read as follows:

§ 721.5867 Substituted phenol.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as substituted phenol (PMNs P–89–1125, P–91–87, P–92–41, P–92–511, P–94–1527, and P–94–1755) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4)(where n = 1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

[FR Doc. 97–16760 Filed 6–25–97; 8:45 am]
BILLING CODE 6560–50–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 970611133–7133–01; I.D. 052997B]

RIN: 0648–AJ36

Fisheries of the Exclusive Economic Zone Off Alaska; Improved Retention/ Improved Utilization

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Amendment 49 to the Fishery Management Plan for the Groundfish Fishery in the Bering Sea and Aleutian Islands Area (FMP). Amendment 49 would require all vessels fishing for groundfish in the Bering Sea and Aleutian Islands Management Area (BSAI) to retain all pollock and Pacific cod beginning January 1, 1998, and all rock sole and yellowfin sole beginning January 1, 2003. This proposed rule would establish a 15-percent minimum utilization standard for all at-sea processors; for pollock and Pacific cod beginning January 1, 1998, and for rock sole and yellowfin sole beginning January 1, 2003. This action is necessary to respond to socioeconomic needs of the fishing industry that have been identified by the North Pacific Fishery Management Council (Council) and is intended to further the goals and objectives of the FMP.

DATES: Comments on the proposed rule must be received at the following address by August 11, 1997.

ADDRESSES: Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori J. Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK. Copies of the proposed FMP amendment and the Environmental Assessment/ Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) prepared for Amendment 49 are available from NMFS at the above address, or by calling the Alaska Region, NMFS at 907–586–7228. Send comments regarding burden estimates or any other aspect of the data requirements, including suggestions for reducing the burdens, to NMFS and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503, Attn: NOAA Desk Officer.

FOR FURTHER INFORMATION CONTACT: Kent Lind, 907–586–7228.

SUPPLEMENTARY INFORMATION: The domestic groundfish fisheries in the exclusive economic zone of the BSAI are managed by NMFS under the FMP. The FMP was prepared by the Council under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing the groundfish fisheries of the BSAI appear at 50 CFR parts 600 and 679.

The Council has submitted Amendment 49 for Secretarial review and a notice of availability of the FMP amendment was published on June 5, 1997 (62 FR 30835), with comments on the FMP amendment invited through August 4, 1997. Comments may address the FMP amendment, the proposed rule, or both, but must be received by August 4, 1997, to be considered in the approval/disapproval decision on the FMP amendment. All comments received by August 4, 1997, whether specifically directed to the FMP amendment or the proposed rule, will be considered in the approval/ disapproval decision on the FMP amendment.

Management Background and Need for Action

In September 1996, the Council approved an Improved Retention/ Improved Utilization (IR/IU) program as Amendment 49 to the FMP. Amendment 49 is the result of over 3 years of analysis and debate of alternative solutions to the problem of discards occurring in the groundfish fisheries off Alaska. Approximately 600 million lbs (273,000 mt) of groundfish were discarded annually in the groundfish fisheries of the BSAI, in each of the last several years, which represents an unacceptably high level of discard and waste in the opinion of the Council, the fishing industry, and the American public. The bulk of these groundfish discards are "economic" discards (i.e., catch that is discarded voluntarily for economic reasons). Economic discards include fish of the target species that are the wrong sex or of a size not suitable for the processing equipment being used, species of lower

value than the target species or for which viable markets do not exist, and damaged fish rendered unsuitable for processing.

Because such discards are counted against the overall total allowable catch (TAC) established for each species, they do not represent a direct biological concern. However, they represent foregone harvest opportunities for other fishing operations that might otherwise target and utilize those fish. Furthermore, the high levels of discards represent an important social policy issue, which the fishing industry and the Council choose to address.

One of the Council's Comprehensive Fishery Management Goals, adopted in 1984, is to "Minimize the catch, mortality, and waste of non-target species, and reduce the adverse impacts of one fishery on another." In adopting this goal, the Council recognized that fish caught as bycatch in one fishery represent an allocation away from any target fishery for the bycatch species. This is especially so when a bycatch species (e.g., pollock), is fully utilized by other sectors of the industry.

In addition, a priority objective of the FMP is to "provide for the rational and optimal use, in a biological and socioeconomic sense, of the region's fisheries resources as a whole." Consistent with these goals and objectives, many of the management programs passed by the Council and enacted by NMFS are aimed at reducing the bycatch of non-target species and thereby increasing the relative amounts of each species that are taken and utilized by target fisheries. In this context, bycatch is broadly understood to mean the unintended capture or mortality of fish regardless of whether the unwanted bycatch is subsequently discarded.

The issues of bycatch and discards of groundfish resources have been long-term subjects of Council concern. In 1993, the Council began discussion and scoping analyses of specific alternatives aimed at reducing bycatch and discards. A common thread among these alternative programs was to provide incentives to reduce the bycatch of unwanted species and to increase the utilization of those species that are caught. Alternative programs under analysis included: Individual fishing quotas for groundfish species; a "Harvest Priority" program, which would provide for quota set-asides for vessels exhibiting low bycatch rates of non-target species; and mandates for retention and utilization, with the built-in incentives for fishing operations to avoid catch of unwanted species. While other alternatives were discussed, primary focus was given to these three alternative programs.

After public testimony and debate, the Council decided to further narrow its focus on mandatory retention and utilization requirements as the most expeditious and direct method to address groundfish discards. In addition, the Council believed that a mandatory retention program would provide significant incentives for industry to avoid bycatch in the first place and develop more selective fishing gear and methods.

In 1994, the Council examined bycatch and discard statistics and concluded that two species, pollock and rock sole, were being discarded at unacceptably high rates. The Council initially proposed an IR/IU program that would be limited to discards of pollock and rock sole in the midwater pollock and rock sole fisheries, respectively. An "Implementation Issues Assessment" was completed in March 1995 and presented to the Council's Advisory Panel (AP) and Scientific and Statistical Committee. In September 1995, the Council appointed an industry committee as a sounding board for implementation issues related to the proposed IR/IU program. Subsequently, on advice of the industry committee and the AP, Pacific cod and yellowfin sole were added to the program because discard rates for those species were also determined to be unacceptably high. The Council also extended the program to all groundfish fisheries and gear types because applying IR/IU regulations to specific target fisheries was determined to be unworkable. In December 1995, at the request of the Council, NMFS began preparation of a formal analysis Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) of the proposed IR/IU program.

The analysis determined that pollock, Pacific cod, rock sole, and yellowfin sole represent approximately 76 percent of the total discards of allocated groundfish in the BSAI groundfish fisheries (over the period of the analysis). The Council concluded that by requiring 100 percent retention of these four species, initially pollock and Pacific cod, and subsequently yellowfin and rock sole, the Council's objective of "substantially reducing discards of unprocessed groundfish" in these fisheries could be achieved. The expressed intent of the Council was to implement a program that "would provide an incentive for fishermen to avoid unwanted catch, increase utilization of fish that are taken, and thus reduce discards of whole fish." The following Problem Statement accompanied the Council's December 1995 action:

> In managing the fisheries under its jurisdiction, the North Pacific Fishery Management Council is committed to: (1) Assuring the long-term health and productivity of fish stocks and other living marine resources of the North Pacific and Bering Sea ecosystem; and (2) reducing bycatch, minimizing waste, and improving utilization of fish resources in order to provide the maximum benefit to present generations of fishermen, associated fishing industry sectors, communities, consumers, and the nation as a whole. These commitments are also reflected in the Council's CRP [Comprehensive Rationalization Plan] problem statement.
>
> The Council's overriding concern is to maintain the health of the marine ecosystem to ensure the long-term conservation and abundance of the groundfish and crab resources. As a response to this concern, a program to promote improved utilization and effective control/reduction of bycatch and discards in the fisheries off Alaska should address the following problems:
>
> 1. Bycatch and discard loss of groundfish, crab, herring, salmon, and other non-target species.
>
> 2. Economic loss and waste associated with the discard mortality of target species harvested but not retained for economic reasons.
>
> 3. Inability to provide for a long-term, stable fisheries-based economy due to loss of fishery resources through wasteful fishing practices.
>
> 4. The need to promote improved retention and utilization of fish resources by reducing waste of target groundfish species to achieve long-term sustainable economic benefits to the nation.

At the April 1996 Council meeting, the IR/IU Industry Working Group and NMFS staff made their respective reports to the AP and Council. In response, again at the urging of the AP, and supported by public testimony, the Council further modified the IR/IU options under consideration. The Council identified two retention options, the no-action or "Status Quo" alternative and a "species-based" approach. The Council also identified three utilization options (in addition to the "Status Quo" alternative), each dictating, to a greater or lesser degree, the form and extent of processing of the retained catch.

The revised proposal would apply only to BSAI groundfish fisheries, extend to all gear types, and require 100 percent retention of pollock, Pacific cod, rock sole, and yellowfin sole. In the case of the two flatfish species, the revised proposal also examined two additional sub-options: (1) Incrementally phasing in 100 percent retention over a period of time, or (2) delaying implementation of the 100 percent retention requirement until a specified date in the future. In

Legislative Policy

either case, however, the Council indicated its intent to require 100 percent retention of pollock and Pacific cod for all operations beginning January 1, 1998.

In September 1996, after extensive debate and public testimony, the Council took final action on the IR/IU program and adopted it as Amendment 49 to the FMP. The retention option adopted by the Council would require full retention of pollock and Pacific cod beginning January 1, 1998, and full retention of rock sole and yellowfin sole beginning January 1, 2003.

The utilization option adopted by the Council, the least restrictive of the three options under consideration, would allow retained catch of the four groundfish species to be processed into any product form, regardless of whether the resulting product is suitable for direct human consumption. Of present products, only meal, bait, and offal are regarded as not suitable for direct human consumption, with offal considered to be processing waste rather than a product form.

The Council also established a 15-percent minimum utilization rate or aggregate product recovery rate (PRR) by species. NMFS has calculated average PRRs for each species/product combination produced in the groundfish fisheries off Alaska. These standard PRRs are established in regulation at Table 3 of 50 CFR part 679. Because the lowest NMFS PRR for a non-roe, primary product produced from an IR/IU species is 16 percent (for deep skin pollock fillets), the IR/IU Industry Working group concluded that a 15-percent minimum utilization rate was achievable for all sectors of the industry and would allow for variations in actual PRRs by size of fish and season. If, under certain circumstances, a processor falls below 15 percent for a particular primary product, the vessel operator would be able to meet the minimum utilization requirement by retaining sufficient ancillary products to bring the aggregate utilization rate above 15 percent.

On October 11, 1996, the President signed into law the Sustainable Fisheries Act of 1996 (Public Law 104-297) which reauthorized and amended the Magnuson-Stevens Act. Several provisions of the Magnuson-Stevens Act now provide statutory authority for regulatory programs to improve retention and utilization in the groundfish fisheries off Alaska. Section 303(a)(11) of the Magnuson-Stevens Act requires the Council to "establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority—(A) minimize bycatch; and (B) minimize the mortality of bycatch which cannot be avoided." In implementing this provision of the Act, the Council is further required under section 313(f) to "submit conservation and management measures to lower, on an annual basis for a period of not less than 4 years, the total amount of economic discards occurring in the fisheries under its jurisdiction." The proposed IR/IU program, submitted by the Council, is intended to meet these statutory requirements.

Elements of the Proposed IR/IU Program

Affected Vessels and Processors

The proposed IR/IU program would apply to all vessels fishing for groundfish in the BSAI and all at-sea processors processing groundfish harvested in the BSAI, regardless of vessel size, gear type, or target fishery. Because the Magnuson-Stevens Act does not authorize NMFS to regulate on-shore processing of fish, the requirements of this proposed rule would not be extended to shore-based processors.

The Council has assumed that the State of Alaska (State) will implement a parallel IR/IU program for shore-based processors. In testimony at the September 1996 and April 1997 Council meetings, the State indicated its intent to implement parallel IR/IU regulations for the shore-based processing sector. Parallel State regulations are especially necessary to address the relationship between the processing plant and the delivering vessel. A shore-based IR/IU program must require a processor to accept all IR/IU species offered for delivery by a vessel fishing for groundfish in the BSAI. Otherwise, rejection of deliveries by a processor would be the equivalent of discarding of IR/IU species by that processor.

IR/IU Species

The proposed IR/IU program would define four groundfish species as IR/IU species: pollock, Pacific cod, rock sole, and yellowfin sole. Retention and utilization requirements would apply to pollock and Pacific cod beginning January 1, 1998. Rock sole and yellowfin sole would be added to the program beginning January 1, 2003. The purpose of the 5-year delay for rock sole and yellowfin sole is to provide industry with sufficient time to develop more selective fishing techniques and/or markets for these fish.

Minimum Retention Requirements

The proposed rule would establish minimum retention requirements by vessel type (catcher vessel, catcher/processor, and mothership), and by the directed fishing status of the IR/IU species (open to directed fishing, closed to directed fishing, and retention prohibited). In general, vessel operators would be required to retain 100 percent of their catch of an IR/IU species unless a closure to directed fishing limits retention of that species. When a closure to directed fishing limits retention of an IR/IU species, the vessel operator would be required to retain all catch of that species up to the maximum retainable bycatch (MRB) amount in effect for that species, and catch in excess of the MRB amount must be discarded. The specific retention requirements by vessel type and directed fishing status are set out in table format at § 679.27(c) of the proposed regulations and are summarized below.

Catcher Vessels

Operators of catcher vessels would be required to retain all IR/IU species brought on board the vessel until the catch is lawfully transferred to an authorized party (e.g., a federally licensed processor or buying station). This requirement applies to all IR/IU species brought on board a vessel, whether harvested by the vessel itself, or transferred from another vessel. When an IR/IU species is closed to directed fishing, vessel operators would be required to retain all fish of that species brought on board the vessel up to the MRB amount in effect for that species, and discard all catch in excess of the MRB amount in effect for that species. When regulations require an IR/IU species to be treated as a prohibited species, retention of that species would be prohibited, and all catch of that species would have to be discarded.

Catcher/Processors and Motherships

Operators of catcher/processors and motherships would be required to retain a primary product from all IR/IU species brought on board the vessel until the product is lawfully transferred or offloaded to an authorized party. Because catcher/processors and motherships process groundfish at sea, discarding of processing waste from IR/IU species would be allowed provided that a primary product is retained from each fish that is brought on board the vessel. No restrictions would exist on the type of primary product produced from each IR/IU species provided that all primary and ancillary products are logged in the vessel's daily cumulative

production logbook (DCPL). Whole fish could be considered a product for the purpose of this program provided that they are logged as whole fish in the vessel's DCPL.

When an IR/IU species is closed to directed fishing, operators of catcher/processors and motherships would have to retain a primary product from all fish of that species brought on board the vessel up to the point that the round-weight equivalent of primary products equals the MRB amount in effect for that species. Catch or production in excess of the MRB amount would have to be discarded. If a closure requires an IR/IU species to be treated as a prohibited species, retention would be prohibited and all catch of that species would have to be discarded.

Retention Requirements Under Directed Fishing Closures

NMFS assesses each groundfish TAC annually to determine how much of a species' TAC is needed as bycatch in other groundfish fisheries. The remainder is made available as a directed fishing allowance. NMFS closes a species or species group to directed fishing when the directed fishing allowance for that species has been reached in order to leave sufficient portions of the TAC to provide for bycatch in other fisheries. However, if TAC is reached, retention of that species becomes prohibited and all catch of the species must be discarded. Under existing regulations, a species or species group may be open to directed fishing, closed to directed fishing, or retention may be prohibited.

Directed fishing is defined in regulations as "any fishing activity that results in the retention of an amount of a species or species group on board a vessel that is greater than the MRB amount for that species or species group." The MRB amount for a species is calculated as a percentage (by weight) of the species closed to directed fishing relative to the weight of other species that are open for directed fishing and retained on board the vessel. On catcher/processors, which retain product rather than whole fish, the MRB amount is determined using round-weight equivalents, which are calculated using NMFS PRRs established by regulation at Table 3 of 50 CFR part 679. The MRB percentage for each species is established in regulation at Table 11 of 50 CFR part 679. When a species is closed to directed fishing, bycatch amounts of the species may still be retained on board a vessel, up to the MRB amount in effect for that species and catch in excess of the MRB amount must be discarded.

The MRB percentages serve as a management tool to slow down the rate of harvest of a species closed to directed fishing, and to reduce the incentive for fishing vessels to target on that species. In most cases, an MRB of 20 percent is established to slow the harvest rate of a species, yet avoid significant discard amounts of these species to the extent they are taken as bycatch in other open groundfish fisheries. Directed fishing closures are also made when a fishery has reached a prohibited species bycatch allowance, or to prevent overfishing of another groundfish species taken as bycatch.

Under the proposed IR/IU program, if a vessel's bycatch of an IR/IU species exceeds an MRB amount in effect for that species, all catch in excess of the MRB amount would have to be discarded. Under such a circumstance, monitoring, enforcement, and compliance with the IR/IU program will be complicated. This situation is most likely to occur in trawl fisheries where bycatch of pollock is prevalent. Directed fishing for pollock (by inshore and offshore sectors) typically is closed from late February or early March until release of the second seasonal allowance of pollock on September 1. During this time, pollock may be a prevalent bycatch species in Pacific cod and flatfish fisheries and could comprise more than 20 percent (the MRB percentage for pollock) of total catch by some vessels. If this occurs, a vessel may be required to simultaneously retain and discard portions of the catch of an IR/IU species. The relationship between the proposed IR/IU program and directed fishing closures is illustrated in the two following examples.

Example 1: Simultaneous Compliance With IR/IU and a Directed Fishing Closure on a Catcher Vessel

Table 1 provides an example of a catcher vessel on a hypothetical fishing trip for Pacific cod while pollock is closed to directed fishing. In this example, IR/IU requirements apply only to pollock and Pacific cod as would be the case prior to 2003. The example shows the vessel operator retaining all Pacific cod and retaining pollock up to the 20 percent MRB in effect for pollock. Catch of other groundfish species not governed by the IR/IU program may be retained or discarded subject to other regulations and the discretion of the vessel operator. To simplify the example, all catch of other groundfish species is shown as discarded.

TABLE 1.—HYPOTHETICAL FISHING TRIP FOR A CATCHER VESSEL FISHING FOR PACIFIC COD WHILE DIRECTED FISHING FOR POLLOCK IS CLOSED (CATCH AND DISCARDS SHOWN IN MT)

Haul No.	Haul weight	Pacific cod			Pollock			Other species		
		Total	Ret.	Disc.	Total	Ret.	Disc.	Total	Ret.	Disc.
1	60.0	25.0	25.0	0.0	25.0	5.0	20.0	10.0	0.0	10.0
Subtotal	60.0	25.0	25.0	0.0	25.0	5.0	20.0	10.0	0.0	10.0
2	50.0	40.0	40.0	0.0	5.0	5.0	0.0	5.0	0.0	5.0
Subtotal	110.0	65.0	65.0	0.0	30.0	10.0	20.0	15.0	0.0	15.0
3	55.0	35.0	35.0	0.0	10.0	10.0	0.0	10.0	0.0	10.0
Subtotal	165.0	100.0	100.0	0.0	40.0	20.0	20.0	25.0	0.0	25.0
4	50.0	45.0	45.0	0.0	3.0	3.0	0.0	2.0	0.0	2.0
Total	215.0	145.0	145.0	0.0	43.0	23.0	20.0	27.0	0.0	27.0

Table 1 shows the vessel operator retaining and discarding pollock during the course of the fishing trip to remain in compliance with the proposed IR/IU program and the MRB amount in effect for pollock. The disposition of pollock in each haul is as follows:

Haul 1. This haul of 60 mt contains 25 mt of Pacific cod, 25 mt of pollock, and 10 mt of other groundfish. The vessel operator retains all 25 mt of Pacific cod in compliance with IR/IU, at his discretion discards the other groundfish and retains an amount of pollock equal to 20 percent of the

retained catch of species open to directed fishing, or 5 mt (25 mt of retained Pacific cod × 0.2 = 5 mt).

Haul 2. This haul of 50 mt contains 40 mt of Pacific cod, 5 mt of pollock and 5 mt of other groundfish. The vessel operator retains all 40 mt of Pacific cod in compliance with IR/IU, at his discretion discards the 5 mt of other groundfish, and retains all 5 mt of pollock. At this point, the vessel's MRB amount for pollock equals 13 mt (65 mt retained Pacific cod × 0.2 = 13 mt) and the cumulative retained catch of pollock equals 10 mt, therefore all pollock from this haul must be retained.

Haul 3. This haul of 55 mt contains 35 mt of Pacific cod, 10 mt of pollock and 10 mt of other groundfish. The vessel operator retains all 35 mt of Pacific cod in compliance with IR/IU, at his discretion discards the 10 mt of other groundfish, and retains all 10 mt of pollock. At this point, the vessel's MRB amount for pollock equals 20 mt (100 mt retained Pacific cod × 0.2 = 20 mt) and the cumulative retained catch of pollock equals 20 mt.

Haul 4. This haul of 50 mt contains 45 mt of Pacific cod, 3 mt of pollock and 2 mt of other groundfish. The vessel operator retains all 45 mt of Pacific cod in compliance with IR/IU, at his discretion discards the 2 mt of other groundfish and retains all 3 mt of pollock. At this point, the vessel's MRB amount for pollock equals 29 mt (145 mt retained Pacific cod × 0.2 = 29 mt) and the cumulative retained catch of pollock equals 23 mt.

At the time of delivery, the vessel's fish ticket should show landed weights of 145 mt for Pacific cod and 23 mt for pollock and the processor will report 20 mt of pollock discards and 27 mt of other groundfish discards in the NMFS daily cumulative production logbook. In this example, the delivery weight of pollock as a percentage of the delivery weight of Pacific cod is equal to 15.9 percent, which is less than the 20 percent MRB percentage for pollock. In addition, the vessel's logbook will show 20 mt of pollock discards. Nevertheless, the vessel would be in compliance with the proposed IR/IU regulations because retention of the extra 20 mt of pollock from haul 1 would have exceeded the MRB amount for pollock at the time that haul 1 was brought on board.

Example 2: Simultaneous Compliance With IR/IU and a Directed Fishing Closure on a Catcher/Processor

Tables 2 and 3 provide an example of a catcher/processor beginning a hypothetical rock sole fishing trip during which some species are open to directed fishing and other species are closed to directed fishing. In this example, IR/IU requirements would apply to all four IR/IU species as would be the case after 2003. A hypothetical distribution of catch, retention and discard of 100 mt of groundfish under the existing status quo is displayed on Table 2, and under the proposed IR/IU program with all four IR/IU species on Table 3. Fishery status for all species in the catch is indicated as either open, closed, or retention prohibited.

TABLE 2.—HYPOTHETICAL DISTRIBUTION OF A 100 MT HAUL OF GROUNDFISH FOR A CATCHER/PROCESSOR PARTICIPATING IN THE BSAI ROCK SOLE FISHERY, UNDER THE STATUS QUO

Round weight catch and discard				Retained products and round-weight equivalents			
Species	Status of fishery	Round wt. catch	Round wt. discard	Product	NMFS PRR[1]	Product wt.	Round-wt. equivalent
Rock sole	Open	52.0	31.0	H&G w/roe	0.8	16.8	21.0
Yellowfin sole	Open	6.0	4.0	H&G eastern cut	0.65	1.3	2.0
Other flatfish	Open	7.0	4.0	H&G eastern cut	0.65	1.95	3.0
Pacific cod	Open	8.0	5.0	H&G eastern cut	0.47	1.41	3.0
Sablefish	Open	0.1	0.0	H&G western cut	0.68	0.07	0.1
Other groundfish	Open	3.1	3.1	None		0.0	0.0
Subtotal		76.2	47.1				[2]29.1
Pollock	Closed	20.0	18	H&G eastern cut	0.56	1.12	2.0
Greenland turbot	Closed	0.2	0.1	H&G eastern cut	0.65	0.07	0.1
Atka mackerel	Closed	0.7	0.2	H&G eastern cut	0.61	0.31	0.5
Arrowtooth	Closed	2.3	2.3	H&G eastern cut		0.0	0.0
Rockfish	Prohibited	0.6	0.6	None		0.0	0.0
Subtotal		23.8	21.2				2.6
Total		100.0	68.3				31.7

[1] The actual PRR realized by a particular vessel may vary from the NMFS standard PRR due to the size of fish, time of year, and adjustment of processing equipment. However, NMFS standard PRRs are always used when calculating round-weight equivalents for the purpose of determining MRB amounts. As a result, the round-weight equivalent amount for a particular product may not equal the actual round weight of fish used to produce that product.

[2] Round-weight equivalent of retained groundfish used to calculate MRB amounts for species closed to directed fishing.

TABLE 3.—HYPOTHETICAL DISTRIBUTION OF A 100 MT HAUL OF GROUNDFISH FOR A CATCHER/PROCESSOR PARTICIPATING IN THE BSAI ROCK SOLE FISHERY, WITH IR/IU REQUIREMENTS FOR POLLOCK, PACIFIC COD, ROCK SOLE AND YELLOWFIN SOLE

Round weight catch and discard				Retained products and round-weight equivalents			
Species	Status of fishery	Round wt. catch	Round wt. discard	Product	NMFS PRR	Product wt.	Round-wt. equivalent[1]
Rock sole	Open	52.0	0.0	H&G w/roe	0.8	41.6	52.0
Yellowfin sole	Open	6.0	0.0	H&G eastern cut	0.65	3.9	6.0
'her flatfish	Open	7.0	4.0	H&G eastern cut	0.65	1.95	3.0
cific cod	Open	8.0	0.0	H&G eastern cut	0.47	3.76	8.0
ablefish	Open	0.1	0.0	H&G western cut	0.68	0.07	0.1
Other groundfish	Open	3.1	3.1	None		0.0	0.0

TABLE 3.—HYPOTHETICAL DISTRIBUTION OF A 100 MT HAUL OF GROUNDFISH FOR A CATCHER/PROCESSOR PARTICIPATING IN THE BSAI ROCK SOLE FISHERY, WITH IR/IU REQUIREMENTS FOR POLLOCK, PACIFIC COD, ROCK SOLE AND YELLOWFIN SOLE—Continued

Round weight catch and discard				Retained products and round-weight equivalents			
Species	Status of fishery	Round wt. catch	Round wt. discard	Product	NMFS PRR	Product wt.	Round-wt. equivalent [1]
Subtotal		76.2	7.1				69.1 [1]
Pollock	Closed	20.0	6.2 [2]	H&G eastern cut	0.56	7.73	13.8
Greenland turbot	Closed	0.2	0.1	H&G eastern cut	0.65	0.07	0.1
Atka mackerel	Closed	0.7	0.2	H&G eastern cut	0.61	0.31	0.5
Arrowtooth	Closed	2.3	2.3	H&G eastern cut		0.0	0.0
Rockfish	Prohibited	0.6	0.6	None		0.0	0.0
Subtotal		23.8	9.4				14.4
Total		100.0	16.5				83.5

[1] Round-weight equivalent of retained groundfish used to calculate MRB amounts for species closed to directed fishing.
[2] Pollock catch in excess of the MRB amount that must be discarded.

In Table 3, the vessel's hypothetical retained and discarded catch is redistributed from Table 2 to show that:

1. All catch of Pacific cod, yellowfin sole, and rock sole must be retained because the directed fisheries for these species are open.
2. Catch of groundfish open to directed fishing, other than Pacific cod, yellowfin sole, and rock sole, may be retained or discarded subject to other regulations.
3. With the exception of pollock, catch of groundfish closed to directed fishing may be retained up to the MRB amount.
4. Catch of pollock, for which the directed fishery is closed, must be retained up to the MRB. At that point, all additional bycatch of pollock must be discarded. Because the vessel is a catcher/processor, MRB calculations are made using round-weight equivalents of the vessel's retained products. The MRB percentage for pollock is 20 percent. In Table 3, the round-weight equivalent of retained catch of species open to directed fishing is 69.1 mt. Therefore, a round-weight equivalent of primary pollock products equal to 13.8 mt (69.1 mt × 0.2 = 13.8 mt) must be retained and the remainder of the catch (20 mt − 13.8 mt = 6.2 mt) must be discarded.
5. Catch of Greenland turbot and Atka mackerel do not exceed MRB percentages, so all of this catch may be retained or discarded at the discretion of the operator. Retention of rockfish is prohibited and all catch of rockfish must be discarded.

Note that in Example 2, the vessel is beginning a fishing trip and no other catch or products are retained on board. If the vessel continues the fishing trip, MRB calculations would be made based on all retained catch during the fishing trip as shown in Example 1, rather than the retained catch from each individual haul.

Examples 1 and 2 illustrate simple cases of one species for which the vessel operator must retain a portion of the catch to meet the proposed retention standards but must simultaneously discard the remainder to comply with a pollock directed fishing closure. As more species are closed to directed fishing, or placed on prohibited status, monitoring the exact quantities of each bycatch species that must be retained and discarded will become more complicated for industry, observers, and enforcement officers.

Additional Retention Requirements

Bleeding Codends and Shaking Longline Gear

The minimum retention requirements outlined above apply to all fish of each IR/IU species that are brought on board a vessel. Any activity intended to cause the discarding of IR/IU species prior to their being brought on board a vessel, such as bleeding codends or shaking fish off longlines, would be prohibited. NMFS recognizes that some escapement of fish from fishing gear does occur in the course of fishing operations. Therefore, incidental escapement of IR/IU species, such as fish squeezing through mesh or dropping off longlines, would not be considered a violation unless the escapement is intentionally caused by action of the vessel operator or crew.

At-Sea Discard of Products

In addition to the retention requirements outlined above, the proposed rule would prohibit the at-sea discard of products from any IR/IU species. This would include any IR/IU product that has been frozen, canned, or reduced to meal.

Discard of Fish or Product Transferred From Other Vessels

The retention requirements of this proposed rule would apply to all IR/IU species brought on board a vessel, whether caught by that vessel or transferred from another vessel. Discard of IR/IU species or products that were transferred from another vessel would be prohibited.

R/IU Species Used as Bait

IR/IU species could be used as bait provided the bait is physically attached to authorized fishing gear when deployed. Dumping IR/IU species as loose bait (e.g., chumming) would be prohibited. Minimum Utilization Requirements

Beginning January 1, 1998, all catcher/processors and motherships would be required to maintain a 15 percent utilization rate for each IR/IU species. Calculation of a vessel's utilization rate would depend on the type of vessel (catcher/processor or mothership) and directed fishing status of the IR/IU species in question. The minimum utilization requirements by vessel type and directed fishing status are set out in tables at § 679.27(h) of the proposed regulations and are summarized below.

Catcher/Processors

On a catcher/processor, when directed fishing for an IR/IU species is open, the total weight of retained or lawfully transferred products from IR/IU species harvested during a fishing trip would have to equal or exceed 15 percent of the round weight catch of that species during the fishing trip. When directed fishing for an IR/IU species is closed, the weight of retained products would have to equal or exceed either 15 percent of the MRB amount in

effect for that species or 15 percent of the round weight catch of that species, whichever is lower. When retention of an IR/IU species is prohibited, there would be no minimum utilization rate and any retention of fish or products would be prohibited.

Motherships

On a mothership, when directed fishing for an IR/IU species is open, the total weight of retained or lawfully transferred products from an IR/IU species received during a reporting week must equal or exceed 15 percent of the round weight of that species received during the same reporting week. When directed fishing for an IR/IU species is closed, the weight of retained products would have to equal or exceed 15 percent of the MRB amount in effect for that species or 15 percent of the round weight catch of that species, whichever is lower. When retention of an IR/IU species is prohibited, there would be no minimum utilization rate and any retention of fish or products would be prohibited.

Simultaneous Compliance With Retention and Utilization

A vessel operator must simultaneously meet both the minimum retention standard and the minimum utilization standard to be in compliance with the proposed IR/IU program. Compliance with either standard in the absence of the other would be considered a violation.

Recordkeeping Requirements

This proposed rule includes changes to existing recordkeeping requirements to aid the monitoring and enforcement of the IR/IU program. Beginning January 1, 1998, all catcher vessels and catcher/processors that are currently required to maintain NMFS logbooks would be required to log the round weight catch of pollock and Pacific cod in the NMFS catcher vessel daily fishing logbook (DFL) or catcher/processor DCPL on a haul-by-haul or set-by-set basis. Motherships would be required to log the receipt round weight of pollock and Pacific cod in the mothership DCPL on a delivery-by-delivery basis. Beginning January 1, 2003, this requirement would extend to rock sole and yellowfin sole. These changes are necessary to provide vessel operators and enforcement agents with round weight information for each IR/IU species in order to monitor compliance with the IR/IU program.

Technical Changes to Existing Regulations

The definition of "round weight or round-weight equivalent" at § 679.2 would be changed by restricting the definition to "round-weight equivalent". The term "round weight" is already defined by NMFS in regulations appearing at 50 CFR part 600. In addition, regulations at § 679.50(c)(i), which specify observer coverage requirements for motherships based on "round weight or round-weight equivalent" of groundfish processed, would be revised by removing the term "round weight." Observer coverage requirements for motherships during a calendar month would therefore be based only on the round-weight equivalent of groundfish processed. This change is necessary because the terms "round weight" and "round-weight equivalent" would no longer be synonymous under the proposed rule.

Classification

At this time, NMFS has not determined that Amendment 49 is consistent with the national standards, other provisions of the Magnuson-Stevens Act, and other applicable laws. NMFS, in making that determination, will take into account the data, views, and comments received during the comment period, which ends August 4, 1997.

This proposed rule contains a revised collection-of-information requirement subject to the Paperwork Reduction Act (PRA). This collection-of-information requirement has been submitted to OMB for approval. The catcher vessel DFL, catcher/processor DCPL and mothership DCPL would be revised to require that vessel operators log the round weight of each IR/IU species on a haul-by-haul basis for catcher vessels and catcher/processors and a delivery-by-delivery basis for motherships. The estimated current and new public reporting burdens for these collections of information are as follows: For catcher vessels using fixed gear, the estimated burden would increase from 20 minutes to 23 minutes; for catcher vessels using trawl gear, the estimated burden would increase from 17 minutes to 22 minutes; for catcher/processors using fixed gear, the estimated burden would increase from 32 minutes to 35 minutes; for catcher/processors using trawl gear, the estimated burden would increase from 29 minutes to 34 minutes; for motherships, the estimated burden would increase from 28 to 33 minutes. Send comments regarding reporting burden estimates or any other aspect of the data requirements, including suggestions for reducing the burdens to NMFS and OMB (see **ADDRESSES**).

Public comment is sought regarding: Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection-of-information subject to the requirements of the PRA, unless that collection-of-information displays a currently valid OMB control number.

An RIR was prepared for this proposed rule that describes the management background, the purpose and need for action, the management action alternatives, and the social impacts of the alternatives. The RIR also estimates the total number of small entities affected by this action and analyzes the economic impact on those small entities.

An IRFA was prepared as part of the RIR, which describes the impact this proposed rule would have on small entities, if adopted. The analysis examines the economic effects of this proposed rule by fishery and gear type and makes the following conclusions: (1) The economic effects of the proposed rule on vessels using longline, jig, and pot gear would not be significant; (2) the economic effects of the proposed rule on trawl catcher vessels and shore-based processors would not be significant; and (3) the economic effects of the proposed rule on trawl catcher/processor operations may or may not be significant depending upon the fishery as well as the size and processing capacity of the vessel in question.

Under the category of trawl catcher/processors, the economic effects on vessels participating in the pollock, sablefish, Greenland turbot, rockfish, and Atka mackerel fisheries would not be significant. However, the economic effects on vessels participating in the Pacific cod, rock sole, yellowfin sole, flathead sole and "other" flatfish fishery would be significant. This is because the bycatch of IR/IU species in these fisheries is substantial. The quantity of additional retained catch that operators in these fisheries would be required to handle under the proposed rule would impose significant operational costs on these fisheries, taken as a whole. This is especially true for products for which markets are limited or undeveloped (e.g., small Pacific cod, male rock sole,

and head-and-gut (H&G) pollock). Current prices for these products may be insufficient to cover the costs of their production.

In general, the impacts on any individual factory trawler operation would vary inversely with the size and configuration of the vessel, hold capacity, processing capability, markets and market access, as well as the specific composition and share of the total catch of the four IR/IU species. The burden would tend to fall most heavily upon the smallest, least diversified operations among the current fleet. In addition, the groundfish vessel moratorium, proposed license limitation program, and U.S. Coast Guard load-line requirements severely limit reconstruction to increase vessel size and/or processing capacity. These restrictions are expected to further limit the ability of smaller catcher/processors to adapt to the proposed IR/IU program.

NMFS data indicate that in 1995, 44 at-sea processors participated in the BSAI Pacific cod trawl fishery (4 motherships and 40 catcher/processors); 38 at-sea processors participated in the BSAI rock sole fishery (2 motherships and 36 catcher/processors); 48 at-sea processors participated in the BSAI yellowfin sole fishery (4 motherships nd 44 catcher/processors); 19 catcher/ processors participated in the flathead sole fishery; and 23 at-sea processors participated in the "other" flatfish fishery (1 mothership and 22 catcher/ processors).

The IRFA further concludes that catcher/processors participating in the Pacific cod fishery with the capability to fillet product would face no significant burden in complying with the proposed IR/IU program. Catcher/processors in the Pacific cod fishery that are limited to H&G product would be significantly disadvantaged because viable markets for H&G pollock do not exist. For this reason, catcher/processors limited to H&G product would be significantly disadvantaged in every fishery where substantial quantities of pollock bycatch occurs.

The physical limitations of the current fleet of catcher/processors that operate in the rock sole, yellowfin sole, flathead sole, and "other" flatfish fisheries could make adaptation to, and compliance with, the proposed IR/IU program effectively impossible. The result may be that adoption of the proposed rule would create such an operational barrier that the rock sole fishery would be discontinued, or ernatively the small-vessel fleet, hich currently comprises this fishing fleet, might be displaced by larger and more operationally diversified fleets of vessels, (e.g., larger catcher/processors and motherships).

The no action alternative was rejected because, under a continuation of the current regulations, underutilized groundfish catches would result in an unacceptably high level of discards.

The option of requiring retention of rock sole and yellowfish sole to be phased-in beginning with the first year of the program was rejected in favor of postponing retention requirements for these species for 5 years to provide the opportunity for these fisheries to adapt and attempt to come into compliance with the proposed program.

The utilization options requiring all retained catches of the four species to be processed for direct human consumption and limiting the production of fish meal from the four species were rejected as too restrictive.

The RFA requires that the IRFA describe significant alternatives to the proposed rule that accomplish the stated objectives of the applicable statutes and that minimize any significant impact on small entities. Consistent with the stated statutory objectives, the IRFA must discuss significant alternatives to the proposed rule such as (1) establishing different reporting requirements for small entities that take into account the resources available to small entities; (2) consolidation or simplification of reporting requirements; (3) the use of performance rather than design standards; and (4) allowing exemptions from coverage for small entities. The economic impacts imposed by this rule would not be alleviated by modifying reporting requirements for small entities. Where relevant, this proposed rule employs performance standards rather than design standards and allows maximum flexibility in meeting its requirements. The Council also considered and rejected the following alternatives that might have mitigated impacts on small businesses. (1) An alternative that would have allowed exemptions or modified phase-in periods based on vessel size, was rejected because it would have diluted the reductions in bycatch and discards and would have provided an unfair competitive advantage to a certain sector of the industry. (2) A "harvest priority program" that would have rewarded vessels demonstrating low bycatch rates was rejected because it would not reduce discard rates expeditiously enough. (3) A voluntary bycatch and discard reduction program was rejected because it would not have met statutory requirements of the Magnuson-Stevens Act.

This proposed rule has been determined to be not significant for the purposes of E.O. 12866.

The Administrator, Alaska Region, NMFS determined that fishing activities conducted under this rule would not affect endangered and threatened species listed or critical habitat designated pursuant to the Endangered Species Act in any manner not considered in prior consultations on the groundfish fisheries of the BSAI.

List of Subjects in 50 CFR Part 679

Fisheries, Reporting and recordkeeping requirements.

Dated: June 19, 1997.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is proposed to be amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq*, 1801 *et seq.*, and 3631 *et seq.*

2. In § 679.2, the definitions of "IR/IU" and "IR/IU species" are added in alphabetical order and the heading and the definition of "round weight or round-weight equivalent" are revised to read as follows:

§ 679.2 Definitions.

* * * * *

IR/IU means the improved retention/improved utilization program set out at § 679.27.

IR/IU species means any groundfish species that is regulated by a retention or utilization requirement set out at § 679.27.

* * * * *

Round-weight equivalent means the weight of groundfish calculated by dividing the weight of the primary product made from that groundfish by the PRR for that primary product as listed in Table 3 of this part, or, if not listed, the weight of groundfish calculated by dividing the weight of a primary product by the standard PRR as determined using the best available evidence on a case-by-case basis.

* * * * *

3. In § 679.5, paragraphs (c)(3)(ii)(G) and (e)(2)(ii)(F) are added to read as follows:

§ 679.5 Recordkeeping and reporting.

* * * * *

(c) * * *

(3) * * *
(ii) * * *
(G) The round weight catch of pollock and Pacific cod.
* * * * *
(e) * * *
(2) * * *
(ii) * * *
(F) The receipt round weight of pollock and Pacific cod.
* * * * *

4. Section 679.27 is added to read as follows:

§ 679.27 Improved Retention/Improved Utilization Program.

(a) *Applicability.* The retention and utilization requirements of this section apply to any vessel fishing for groundfish in the BSAI or processing groundfish harvested in the BSAI.

(b) *IR/IU species.* The following species are defined as "IR/IU species" for the purposes of this section:
(1) Pollock
(2) Pacific cod
(3) (beginning January 1, 2003) rock sole
(4) (beginning January 1, 2003) yellowfin sole

(c) *Minimum retention requirements*—(1) *Definition of retain on board.* Notwithstanding definitions at 50 CFR part 600, for this purpose of this section, to retain on board means to be in possession of on board a vessel.

(2) The following table displays minimum retention requirements by vessel category and directed fishing status:

If you own or operate a	And	You must retain on board until lawful transfer
(i) Catcher vessel	(A) Directed fishing for an IR/IU species is open	All fish of that species brought on board the vessel.
	(B) Directed fishing for an IR/IU species is prohibited.	All fish of that species brought on board the vessel up to the MRB amount for that species.
	(C) Retention of an IR/IU species is prohibited	No fish of that species.
(i) Catcher/ processor	(A) Directed fishing for an IR/IU species is open	A primary product from all fish of that species brought on board the vessel.
	(B) Directed fishing for an IR/IU species is prohibited.	A primary product from all fish of that species brought on board the vessel up to the point that the round-weight equivalent of primary products on board equals the MRB amount for that species.
	(C) Retention of an IR/IU species is prohibited	No fish or product of that species.
(i) Mothership	(A) Directed fishing for an IR/IU species is open	A primary product from all fish of that species brought on board the vessel.
	(B) Directed fishing for an IR/IU species is prohibited.	A primary product from all fish of that species brought on board the vessel up to the point that the round-weight equivalent of primary products on board equals the MRB amount for that species.
	(C) Retention of an IR/IU species is prohibited	No fish or product of that species.

(d) *Bleeding codends and shaking longline gear.* Any action intended to discard or release an IR/IU species prior to being brought on board the vessel is prohibited. This includes, but is not limited to bleeding codends and shaking or knocking fish off longline gear.

(e) *At-sea discard of product.* Any product from an IR/IU species that has been frozen, canned, or reduced to meal may not be discarded at sea.

(f) *Discard of fish or product transferred from other vessels.* The retention requirements of this section apply to all IR/IU species brought on board a vessel, whether harvested by that vessel or transferred from another vessel. At-sea discard of IR/IU species or products that were transferred from another vessel is prohibited.

(g) *IR/IU species as bait.* IR/IU species may be used as bait provided that the deployed bait is physically secured to authorized fishing gear. Dumping of unsecured IR/IU species as bait (chumming) is prohibited.

(h) *Minimum utilization requirements.*

(1) *Catcher/processors.* If you own or operate a catcher/processor, the minimum utilization requirement for an IR/IU species harvested in the BSAI is determined by the directed fishing status for that species according to the following table:

If . . .	Your total weight of retained or lawfully transferred products produced from the catch of that IR/IU species during a fishing trip must . . .
(i) Directed fishing for an IR/IU species is open.	Equal or exceed 15 percent of the round weight catch of that species during the fishing trip.
(ii) Directed fishing for an IR/IU species is prohibited.	Equal or exceed 15 percent of the round weight catch of that species during the fishing trip or 15 percent of the MRB amount for that species, whichever is lower.
(iii) Retention of an IR/IU species is prohibited.	Equal zero.

(2) *Motherships.* If you own or operate a mothership, the minimum utilization requirement for an IR/IU species harvested in the BSAI is determined by the directed fishing status for that species according to the following table:

If . . .	Your weight of retained or lawfully transferred products produced from deliveries of that IR/IU species received during a reporting week must . . .
(i) Directed fishing for an IR/IU species is open.	Equal or exceed 15 percent of the round weight of that species received during the reporting week.

If . . .	Your weight of retained or lawfully transferred products produced from deliveries of that IR/IU species received during a reporting week must . . .
(ii) Directed fishing for an IR/IU species is prohibited.	Equal or exceed either 15 percent of the round weight of that species received during the reporting week or 15 percent of the MRB amount for that species, whichever is lower.
(iii) Retention of an IR/IU species is prohibited.	Equal zero.

5. In § 679.50, paragraphs (c)(1)(i) and (c)(1)(ii) are revised to read as follows:

§ 679.50 Groundfish Observer Program applicable through December 31, 1997.

* * * * *

(c) * * *

(1) * * *

(i) A mothership of any length that processes 1,000 mt or more in round-weight equivalent of groundfish during a calendar month is required to have an observer aboard the vessel each day it receives or processes groundfish during that month.

(ii) A mothership of any length that processes from 500 mt to 1,000 mt in round-weight equivalent of groundfish during a calendar month is required to have an observer aboard the vessel at least 30 percent of the days it receives or processes groundfish during that month.

* * * * *

[FR Doc. 97-16697 Filed 6-25-97; 8:45 am]

BILLING CODE 3510-22-P

NEWS RELEASE (97-136)
Steven Pennoyer
907-586-7221

December 5, 1997
4:50 p.m.
For Immediate Release

NMFS ISSUES IMPROVED RETENTION/IMPROVED UTILIZATION (IR/IU) REGULATIONS FOR THE BERING SEA AND ALEUTIAN ISLANDS AREA (BSAI)

The National Marine Fisheries Service (NMFS) is implementing an IR/IU program for the BSAI according to Steven Pennoyer, Administrator, Alaska Region, NMFS. This program will require all vessels fishing for groundfish in the BSAI to retain all pollock and Pacific cod beginning January 3, 1998, and all rock sole and yellowfin sole beginning January 1, 2003. This program also establishes a 15-percent minimum utilization standard for all at-sea processors; for pollock and Pacific cod beginning January 3, 1998, and for rock sole and yellowfin sole beginning January 1, 2003.

The final rule issuing these IR/IU regulations was published in the Federal Register on December 3, 1997 (62 FR 63880) and will become effective January 3, 1998.

This press release provides notice that a regulatory change has occurred. Do not rely upon it to guide you in complying with the regulatory change. To obtain information concerning the new regulatory requirements, consult the applicable regulation published in the Federal Register, or contact the Sustainable Fisheries Division, NMFS, 907-586-7228.

NEWS RELEASE (97-140)
Steven Pennoyer
907-586-7221

December 18, 1997
3:00 p.m
For Immediate Release

NMFS ISSUES IMPROVED RETENTION/IMPROVED UTILIZATION REGULATIONS FOR THE GULF OF ALASKA

The National Marine Fisheries Service (NMFS) is implementing an Improved Retention/Improved Utilization (IR/IU) program for the Gulf of Alaska (GOA) according to Steven Pennoyer, Administrator, Alaska Region, NMFS. This program establishes minimum retention and utilization requirements for all vessels fishing for groundfish in the GOA. Minimum retention and utilization requirements will apply to pollock and Pacific cod beginning January 12, 1998, and shallow water flatfish beginning January 1, 2003.

The final rule issuing these IR/IU regulations was published in the Federal Register on December 12, 1997 (62 FR 65379) and will become effective January 12, 1998.

This press release provides notice that a regulatory change has occurred. Do not rely upon it to guide you in complying with the regulatory change. To obtain information concerning the new regulatory requirements, consult the applicable regulation published in the Federal Register, or contact the Sustainable Fisheries Division, NMFS, 907-586-7228.

Frank Rue, Commissioner

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Alaska Department of Fish and Game NEWS

FOR IMMEDIATE RELEASE
Tuesday, January 27, 1998

CONTACT: Geron Bruce (907) 465-6143
or Diane Regan (907) 465-6167

NEW REQUIREMENTS REDUCE WASTE IN POLLOCK FISHERY
Department of Fish and Game Supports Corresponding State Bill

Juneau – The Alaska Department of Fish and Games is supporting legislation in the state House of Representatives to reduce waste in the commercial pollock fisheries off Alaska's coast.

House Bill 310 would bring Alaska in compliance with new federal regulations that took effect when the pollock season opened on January 20 in the Gulf of Alaska and the Bering Sea. The regulations affect fishing vessels, as well as onshore and offshore processors.

The North Pacific Fisheries Management Council and the Alaska Board of Fisheries, working concurrently, have adopted regulations that will require fishing vessels to retain all pollock harvested in the directed fishery. Federal regulations also require offshore processors to fully utilize Pacific cod when directed fishing for this species is open.

Corresponding state regulations for the utilization of Pacific cod by onshore processors will require legislation extending the authority of the state board. Kodiak representative Alan Austerman has introduced this legislation as House Bill 310. The Department of Fish and Game supports this legislation and is working with Representative Austerman to achieve passage during this legislative session.

House Bill 310 is scheduled for a hearing before the House Special Committee on Fisheries at 5:00 p.m. today.

###

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

September 3, 1997

RECEIVED
SEP - 3 1997

Mr. Richard B. Lauber
Chairman, North Pacific
Fishery Management Council
605 West 4th Avenue
Anchorage, Alaska 99501-2252

Dear Rick:

On September 3, 1997, I approved Amendment 49 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. Amendment 49 establishes an improved retention/improved utilization (IR/IU) program for groundfish of the Bering Sea and Aleutian Islands Management Area.

A final rule implementing Amendment 49 will be published in the Federal Register shortly. We anticipate that the effective date for the IR/IU program will be January 1, 1998. This date, however, is contingent on action by the State of Alaska which must implement IR/IU regulations to govern shore-based processors. We believe that simultaneous implementation of both programs is necessary.

Sincerely,

Steven Pennoyer
For Administrator, Alaska Region

Attachment 3

September 29, 1997

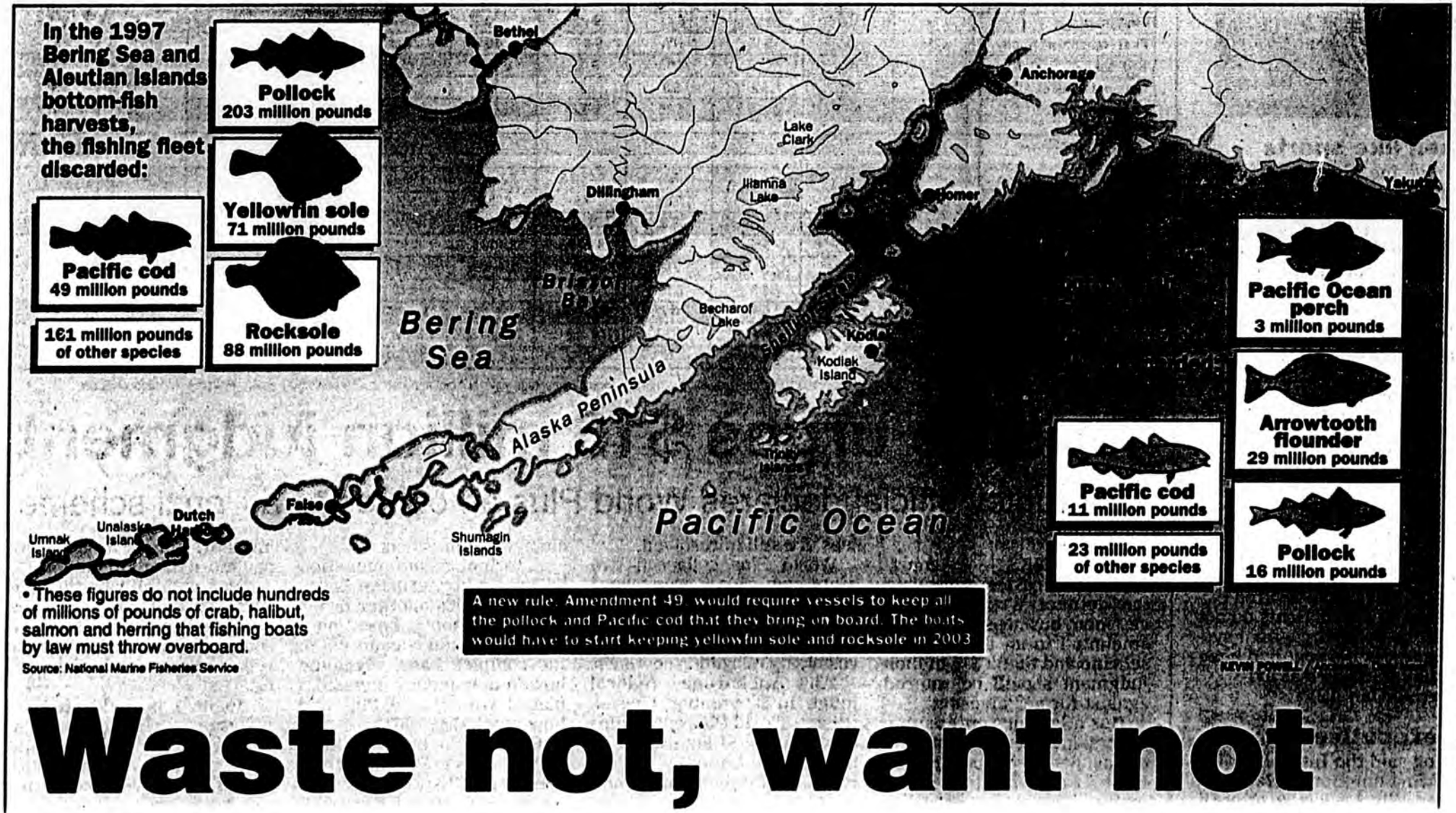
NMFS statement for the record on the implementation of the Improved Retention and Improved Utilization Programs for the Bering Sea/Aleutian Islands (BSAI) and Gulf of Alaska (GOA).

On September 3rd NMFS approved Amendment 49 to implement an IR/IU program for the BSAI. The comment period on Amendment 49 for the Gulf is still open so we have not made a decision to approve or disapprove the IR/IU program for the GOA. However, if approved, the GOA program is also on schedule for a January 1, 1998 implementation. In the letter to the Council announcing approval of Amendment 49 to the BSAI we projected an effective date for the program of January 1, 1998, but indicated that this date would be contingent on action by the State to implement parallel regulations to govern onshore processors. We believe that catcher boat operators could be placed in an untenable position if Federal regulations require full retention of pollock and cod and some processors refuse to accept deliveries of those species. Since then we have received word from the State that a parallel IR/IU program may not be in place before mid-1998 because statutory changes are necessary before the State can proceed with a full IR/IU program. However, the State has indicated that on an interim basis it will be able to regulate onshore retention and utilization of pollock under its existing statutory authority to prohibit roe-stripping and waste of pollock. We believe that the concerns of the catcher boat fleet will be largely addressed if the State is able to regulate onshore processing of pollock as this is the species of greatest concern to the catcher boat fleet. We therefore intend to proceed with the January 1 implementation date for the IR/IU program in the BSAI based on the understanding that the State will implement interim IR/IU regulations to govern onshore processing of pollock AND that the State will proceed with the development of a full IR/IU program for onshore processors to be implemented as soon as possible. And I again just reemphasize that this will apply to the Gulf as well provided that the Secretary does approve that amendment.

■ **LESSONS FROM ASIA:** Where did the experts fail? / C-3 ■ **LEFTOVER FISH:** Issues rema

BUSINESS

SUNDAY, January 18, 1998 ANCHORAGE DAILY NEWS



Waste not, want not

By HELEN JUNG
Daily News Reporter

Amendment 49 may lack the blast of a Bering Sea storm, but the new federal rule already has caused commotion in the fleet, chasing some boats out of Alaska waters and making others examine whether they'll be fishing on the edges of bankruptcy.

The new federal rule, which took effect this month, targets wasteful fishing in the North Pacific, one of the world's premier fishing holes and the source of 5 billion pounds of seafood annually.

On top of the seafood that boats want to catch, fishermen also hook or net fish that are too small, the wrong gender, unwanted by seafood markets or otherwise unwelcome. The fleet tosses about 655 million pounds of fish overboard each year in its quest for other seafood — not including the hundreds of millions of pounds of crab, herring, halibut and salmon that vessels must by law discard.

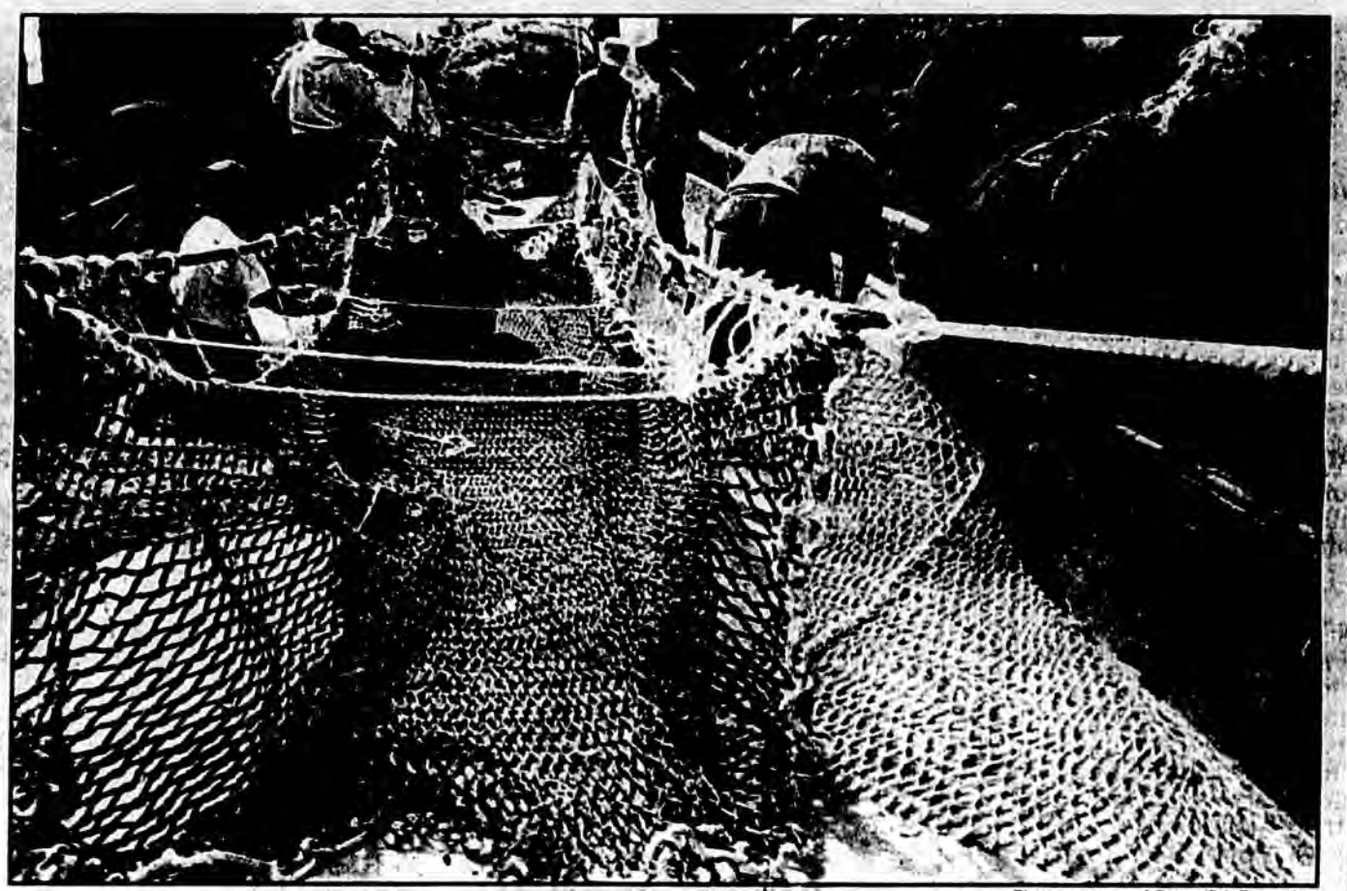
Amendment 49 requires boats to keep all pollock and cod that they bring on board, even fish that are too small to make into traditional products. That could reduce waste by as much as 75 percent, said the National Marine Fisheries Service, the federal agency that monitors fishing. The rule would require boats to keep yellowfin sole and rock sole starting in 2003.

The requirement is the latest effort in the fishing industry to cut waste, or "bycatch." Mounting interest by the public, concern for fish stocks' future by the industry, as well as new federal mandates have been pressuring fishermen to change the way they haul in their seafood catches.

The large factory trawlers and the boats that deliver catches to onshore plants should have little trouble following the new law, fishery managers said. Both at-sea and onshore processors have plants that can at least make fish-meal out of otherwise unmarketable pollock.

But for some smaller boats without that fish-meal equipment or the cargo space to handle the excess fish, the rule may be the line between business and bankruptcy.

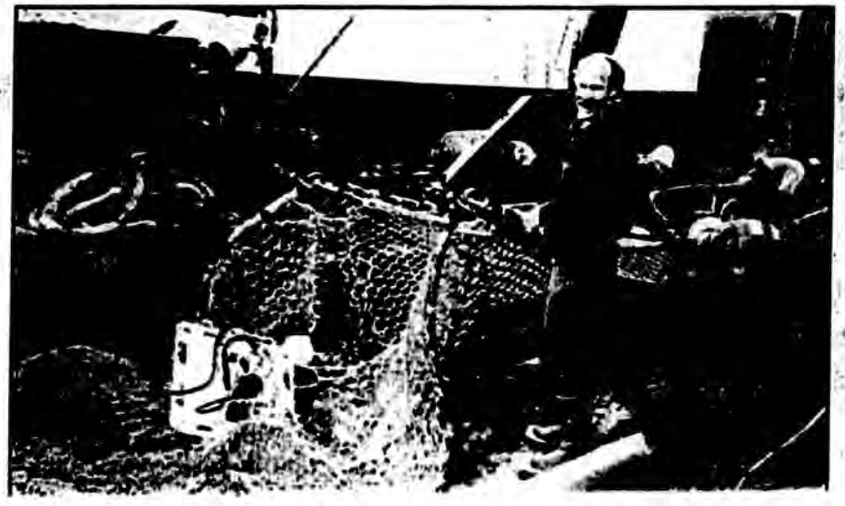
"I don't think there's any question that there are peo-



Photos courtesy of Groundfish Forum Inc.

Deck crew on the Ocean Peace rig up a net with an opening in the top to allow pollock to escape while, in theory, holding onto the more valuable flatfish. The results weren't as researchers had hoped.

Trawlers look for ways to avoid unwanted fish



By HELEN JUNG
Daily News Reporter

Netmakers are experimenting with different weaves. Skippers are varying their fishing strategies. Even fish behaviorists are getting in on the action.

Faced with a new rule that threatens to sink some fishing companies under the weight of their own waste, everyone from fishing company owners to economists are trying to tinker up miracle solutions that will cut their catch of unwanted fish or find the customers to buy them.

The rule, which took effect this month, aims at cutting wasteful fishing. It requires boats to keep all pollock and cod they catch, no matter the size, gender or whether they wanted it in the first place.

For the fleet of vessels targeting Alaska's flatfish, that rule may write them out of the water.

These "bottom trawlers" catch fish by sweeping

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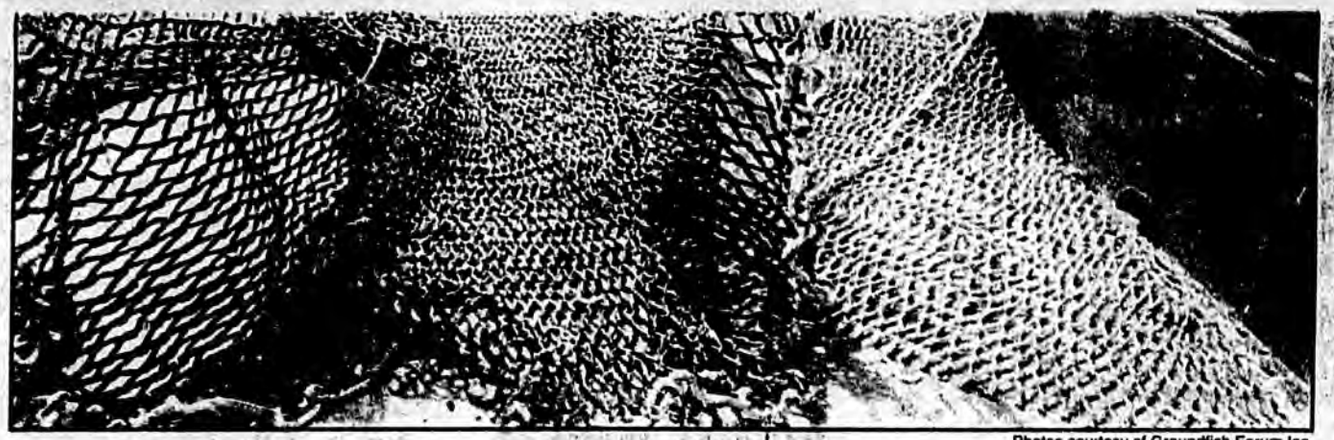
The large factory trawlers and the boats that deliver catches to onshore plants should have little trouble following the new law, fishery managers said. Both at-sea and onshore processors have plants that can at least make fish-meal out of otherwise unmarketable pollock.

But for some smaller boats without that fish-meal equipment or the cargo space to handle the excess fish, the rule may be the line between business and bankruptcy.

"I don't think there's any question that there are people who are going to be (victims) of the rule," said Teressa Kandianis, who

Please see Page C-4, **RULE**



Photos courtesy of Groundfish Forum Inc.

Deck crew on the Ocean Peace rig up a net with an opening in the top to allow pollock to escape while, in theory, holding onto the more valuable flatfish. The results weren't as researchers had hoped.

Trawlers look for ways to avoid unwanted fish

Alaska Fisheries Science Center researcher Dr. Craig Rose rigs up his underwater camera to take some footage of the net.

By HELEN JUNG
Daily News Reporter

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These "bottom trawlers" catch fish by sweeping nets along the sea bottom, whisking up unwanted pollock and cod along with valuable sole and other flatfish. They minimally process their catch, cutting off

Please see Page C-4, **TRAWLERS**

$12 billion is reason to hold stock pickers to higher st

In my last column (Dec. 21), I suggested that it might be time to match the composition of the Alaska Permanent Fund's stock portfolio to that of market index-

bers in the accompanying table. First of these is that over the past three years taken as a whole, only the Vanguard Index 500 fund (of the nine shown here) has so much as matched the performance of the S&P 500 index, and then

index while five of the remaining six lagged behind. If we probe a little deeper and look at the 27 opportunities these funds had to beat the S&P 500 index (nine separate funds for each of three years), we see that they managed to win

Comparison of annual* r
Shown in percents

Fund	1995
Vanguard Index 500	37.6

...im to reduce bycatch, but fishermen fear it will reduce the...

TRAWLERS: New nets try to avoid pollock

Continued from Page C-1

heads, removing the guts and freezing the fish for domestic and Asian markets.

But these 25 or so factory trawlers lack the size and equipment of their big brothers in the pollock fishery. With limited cargo space and no markets for the unwanted fish, the fleet is scrambling to find ways to avoid catching those fish.

One of the biggest efforts to date has involved a net with a huge, gaping hole.

The idea grew from the underwater videos recorded by research fishery biologist Craig Rose with the Alaska Fisheries Science Center in Seattle. For years Rose had been working on ways to reduce the accidental catch of halibut. He noticed from watching videos that pollock tended to hover somewhat above the ocean floor, while flatfish stayed close to the bottom. Could a net with an opening in the top allow pollock to escape while holding onto the more valuable flatfish?

The typical bottom trawler drags its net along the sea bottom. The front end is shaped like a cone; the middle section narrows down to a tube and funnels the fish to the back of the net, where they collect in the "codend."

Rose's design involved building in a large hole on the top, along the tube section of the net.

Armed with the idea, Groundfish Forum, the industry group that represents much of the bottom-trawling fleet, received a permit from fishery managers to test the experimental net.

From a pool of applicants, the group selected six vessels of varying sizes for the two-week trial. They towed the nets for long periods and short periods, altered the placement of the hole, and tried it during the day and during the night.

The fishing companies weren't the only ones disappointed. So were the crew members who get a share of the boat's sales. Gauvin said he could see the discouragement on the crew members' faces.

But in the two weeks vessels tested nets, the results were a letdown, said John Gauvin, executive director of Groundfish Forum.

The nets did catch a lot fewer pollock. But they also caught a lot fewer flatfish. A haul that would have collected 20 tons or so with a typical net instead gathered only five tons, he said.

The fishing companies weren't the only ones disappointed. So were the crew members who get a share of the boat's sales. Gauvin said he could see the discouragement on the crew members' faces.

"It was obvious this wasn't going to be our salvation," Gauvin said.

The net was called an "open-top intermediate" or "OTI." The OTI was soon dubbed a "BFH" — B for big and H for hole.

Despite the results, Groundfish Forum received nods from industry and regulators for its efforts.

"John Gauvin deserves a Green Star award," said Bob Mikol, a commercial fisherman and board member of the environmental group Alaska Marine Conservation Council. Mikol, was also on the committee that developed the new rule. "So does that whole Groundfish Forum fleet. ... They are truly trying to work out their issue."

He also is not convinced that the rule will be the death of the head-and-gut fleet. Others have stepped to the fore to figure out what to do, he said.

The challenge of constructing a net to encourage some fish to escape while holding others captive intrigued Elias Olafsson of Seattle-based Dantrawl Inc., a net manufacturer.

Olafsson hired a a Swedish fisheries behavior consultant to help devise a way to reduce the pollock catch. They have come up with a net that allows the mesh to stay open, even when the net is being pulled taut, to let unwanted fish out and keep the higher-value fish inside.

"Initially, so far, the results are very promising," he said.

Others are relying on nets that stay low to the bottom, in hopes of ducking below pollock completely, said Teressa Kandianis, who owns Kodiak Fish Co. with her husband, Mark. And she and her husband are looking to contacts in Japan to help develop a market for pollock in China.

"There's really no choice. You have to go out and try your best," she said. No one wants to waste fish, she said.

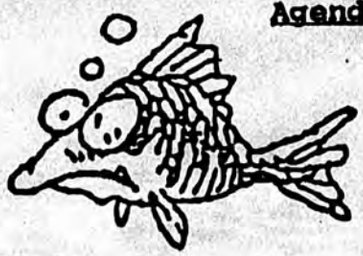
Even if the public doesn't believe the motivation behind their waste reduction, they should at least recognize the fiscal reality, she said. "If not because our hearts tell us it's the right thing to do, then economically our pocketbooks tell us it's a good thing to do."

But not all fish is easily converted to food, she said. For example, arrowtooth flounder, which breaks down into a mushy mess when it's cooked, has no significant market. Dover sole, too, can be a problem depending on when and how it's handled. Kandianis recalled one shipment that was in such poor condition "you could have sucked it up with a straw."

Some contend that the amendment doesn't reduce waste but simply hides it. The rule is a classic rematch of "the big guys against the little guys" and will help large companies chase smaller ones out of the fishery, said

Agenda B-2

North Pacific Longline Association



January 19, 1998

Mr. Steve Pennoyer, Director
NMFS Alaska Region
P.O. Box 21668
Juneau, AK

RE: IR/IU - Sand Fleas, Diseased Fish on Longliners

Dear Steve:

It has been traditional practice in our fleet to "shake" fish obviously infested with sand fleas or obviously diseased, before they come aboard the vessel. If we miss one, we try to get it off the boat immediately. In our comments on the IR/IU proposed rule we asked to be allowed to continue this practice, but our request was refused.

With the implementation of IR/IU we find that problems associated with taking these fish on board are even worse than we thought. Here are two recent communications from well-respected captains on well-managed longliners:

Author: [redacted]
Date: 1/5/98 8:42 AM
Priority: Normal
TO: Mail List - #Vessel(s) Msg. Distribution
Subject: [redacted] Daily Message Trip #1-98 1/4/97
---------- Message Contents ----------

Good Morning,Happy monday
****
Fishing: Just getting restarted.Fishing looks okay,fish size is excellent.
****
[redacted]: I know we are supposed to retain "unmentionables",but it must be against NMACP regulations to bring these sandflearidden cod into our processing factory.It's easy to say process,but these fish have no skin,and fleas falling on our food grade cod,and our processing equipment,it's more than alittle unsanitary.Please see if we have a NMACP loophole for the worst of these fish.Our solution on 100% retention,has been to remove the stomachs from these cod.But,really they should be discarded to prevent contamination.
****

4209 21st Avenue West, Suite 300, Seattle, Washington 98199
TEL: 206-282-4639; FAX: 206-282-4684

3. IR/IU GOT YOUR UPDATES ITS REALLY DIFFICULT TO GRASP ALL THIS OR AT LEAST THE REASONING IN IT ALL AFTER CLOSE TO 30 YEARS OF BEING BLASTED BY QUALITY CONTROL, MARKET PRESENTATION, SANITATION, 15YEARS OF ADEC TELLING TO PUT COVERS ON AND BUG SAPPERS IN THE FACTORIES TO STOP FLIES ALL THE SUDDEN WE ARE SUPPOSED TO INVITE LOW LIFE BOTTOM SCROUNGING PEST ABOARD AND FISH THAT THE CATS AND RATS IN CHINA WOULD TURN THERE NOSES UP AT IGUESS WE GOT TO DO IT KIND OF TAKES THE PRIDE OUT OF WORKING ON PUTTING UP QUALITY PRODUCT FOR FOOD CONSUPTION.

The specter raised here is not merely that of making unsanitary and unmarketable "product" from infested fish, but contamination of food-grade cod and processing machinery.

When we asked to be able to continue our traditional practice of shaking infested fish, NMFS responded that this was not possible because there could be no enforcement - they claimed observers couldn't tell if we were shaking diseased fish, or simply fish we didn't want to retain. We wish to respectfully disagree with the NMFS position. It is very obvious if a fish is infested with sand fleas or is seriously diseased. The fish come to the roller one at a time, and may be observed at close quarters. They look "repulsive." No rocket science is needed to identify junk fish. If an observer so requests, such fish can be brought aboard for sampling - but we want to get them back overboard quickly.

A requirement that diseased and infested fish be brought aboard and turned into a marketable product would seem to fly in the face of the letter and spirit of HACCP and the FAO Code of Responsible Fishing. This is particularly true where processing machinery and food-grade product may be contaminated.

We are hopeful that you will recognize that we have a serious problem, and that there is an easy and readily enforceable solution. We would like to be able to shake obviously infested and diseased longline-caught fish before they come aboard, and to discard any such fish that do come aboard.

I note for the record that sand fleas are a problem for longliners, not for trawlers. Pollock bycatch is particularly problematic because pollock are not as strong as cod and die more quickly - for that reason they are more likely to be infested with sand fleas. Under IR/IU as it is now interpreted, we must keep these infested fish. This is another example of a rule developed for trawlers that doesn't work when applied to longliners.

Thank you for your attention.

Sincerely,

Thorn Smith

ALASKA STATE LEGISLATURE

House of Representatives
Special Committee on Fisheries

Press release 1/12/98

Representative Alan Austerman, Kodiak, introduced HB 310 today, which will extend, to other groundfish species, the current ban in state law regarding the waste of pollock. This bill has received two committees of referral on the House side.

The bill authorizes the Alaska Board of Fisheries to require processors to met minimal standards for the utilization of other groundfish in addition to pollock, similar to regulations adopted by the Secretary of Commerce for offshore processors. The legislation is necessary because current state law only prohibits the waste of pollock and not other groundfish species, such as Pacific cod, rock sole, and yellowfin sole.

The State of Alaska and the North Pacific Fisheries Management Council are moving in concert to reduce waste in the groundfish fisheries of the Gulf of Alaska and Bering Sea. For several years the North Pacific Fisheries Management Council has been studying ways to reduce the discard of fish caught in the groundfish fisheries of the Bering Sea and Gulf of Alaska

The council selected pollock and Pacific cod as targets for immediate inclusion in its plan to increase retention and utilization (IR/IU). Yellowfin sole and rock sole are scheduled to be included in the IR/IU program beginning January 1, 2003. During the Council deliberations on IR/IU, the State of Alaska agreed to adopt a corresponding program for shorebased processors and vessels fishing for groundfish in state waters.

"Without this legislation, the Board of Fisheries cannot regulate the utilization of Pacific cod by processors," said Austerman. The board has adopted mirroring regulations for the retention of pollock and Pacific cod by fishing vessels and for the utilization of pollock by processors.

"The Kodiak commercial fishing industry supports IR/IU and the industry takes responsibility to minimize bycatch and waste," said Austerman.

Room 434, State Capitol, Juneau, Alaska 99801-1182 (907) 465-4230 or 465-2487 Fax 465-4956