

**Draft for Secretarial Review**

REGULATORY IMPACT REVIEW /  
INITIAL REGULATORY FLEXIBILITY ANALYSIS (RIR/IRFA)

for a regulatory amendment

- (a) to implement an Interagency Electronic Reporting System for use by shoreside processors, stationary floating processors, and at-sea processors instead of current electronic reporting,
- (b) to provide an option for electronic logbooks instead of paper daily fishing logbooks and daily cumulative production logbooks,
- (c) to provide more uniform language and revise permit-related regulations at 50 CFR part 679,
- (d) to reorganize the sections of regulations dealing with different types of required logbooks,
- (e) to revise Part 680 by removing IFQ crab landing report regulations for incorporation into § 679.5 IERS description and by adding a requirement for a CR Registered Crab Receiver Ex-vessel Volume and Value Report,
- (f) to revise a groundfish observer provision regarding at-sea vessel-to-vessel transfers, and
- (g) to make miscellaneous revisions to fishing regulations at 50 CFR parts 679 and 680

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**Abstract:** This RIR/IRFA evaluates the costs and benefits, and the impacts on regulated small entities, of a proposed regulatory amendment (a) to implement an Interagency Electronic Reporting System (IERS) for use by catcher/processors and motherships instead of current electronic reporting (SPELR), (b) to

provide an option for use of electronic logbooks (ELBs) instead of paper logbooks by catcher vessels, catcher/processors and motherships, (c) to provide more uniform language and revise permit-related regulations at 50 CFR part 679, (d) to reorganize the sections of regulations dealing with different types of required logbooks, (e) to revise Part 680 by removing IFQ crab landing report regulations for incorporation into § 679.5 and by adding a requirement for a CR Registered Crab Receiver Ex-vessel Volume and Value Report, (f) to revise a groundfish observer provision regarding at-sea vessel-to-vessel transfers, and (g) to make miscellaneous revisions to fishing regulations at 50 CFR parts 679 and 680. The RIR addresses the requirements of Executive Order 12866 for an analysis of the costs and benefits of the action, while the IRFA addresses the requirements of the Regulatory Flexibility Act for a review of the action's impacts on small entities.

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## Abbreviations and Acronyms

ADF&G	Alaska Department of Fish and Game
AFA	American Fisheries Act
BSAI	Bering Sea and Aleutian Islands Management Area
CDQ	Western Alaska Community Development Quota
CFR	Code of Federal Regulations
CG	Central Gulf of Alaska
Council	North Pacific Fishery Management Council
CV	Catcher vessel
DCPL	Daily cumulative procedure logbook
DFL	Daily fishing logbook
EEZ	Exclusive economic zone
EG	Eastern Gulf of Alaska
ELB	Electronic logbook
EIS	Environmental impact statement
E.O.	Executive Order
ESA	Endangered Species Act
FMP	Fishery management plan
FR	Federal Register
GOA	Gulf of Alaska
GPS	Global positioning system
IERS	Interagency Electronic Reporting System
IFQ	Individual fishing quota
IPHC	International Pacific Halibut Commission
LLP	License Limitation Program
LOA	Length overall
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801, <i>et seq.</i> , as amended by the Magnuson-Stevens Fishery Management and Conservation Reauthorization Act of 2006.
MMPA	Marine Mammal Protection Act
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
OLE	NOAA Fisheries Office for Law Enforcement
RAM	NMFS Alaska Region, Restricted Access Management Program
Regional Administrator	NMFS Alaska Region, Regional Administrator
RFA	Regulatory Flexibility Act
RIR/IRFA	Regulatory Impact Review/ Initial regulatory flexibility analysis
SAFE	Stock Assessment and Fishery Evaluation
SBA	U.S. Small Business Administration
Secretary	Secretary of Commerce
SPELR	Shoreside processor electronic logbook report
USCG	U.S. Coast Guard
WG	Western Gulf of Alaska

## Executive Summary

The objectives of this action are to improve the methods and procedures of recordkeeping and reporting for the fishery programs of NMFS Alaska Region and to revise regulations regarding any at-sea transfer of an observer. This would be done by expanding electronic reporting methods and by simplifying regulations. This RIR/IRFA evaluates a regulatory amendment to complete the following actions.

### (1) Electronic logbooks (ELBs)

This action would allow ELBs for voluntary use by fishery participants to replace the daily fishing logbook (DFL) for trawl gear catcher vessels and longline or pot gear catcher vessels. ELBs would also be available for use by fishery participants to replace the daily cumulative fishing logbook (DCPL) used by trawl gear catcher/processors, longline or pot gear catcher/processors, and motherships to voluntarily fulfill daily catch recordkeeping and reporting requirements. In addition, NMFS proposes updates to equipment and operational regulations in conjunction with the new ELBs to provide the process and criteria by which a private-sector vendor could have ELB software programs approved by NMFS, for use in the Alaska Region groundfish fisheries.

### (2) Interagency Electronic Reporting System (IERS)

This action would require use of the IERS system by all processors and Individual Fishing Quota (IFQ) Registered Buyers to record and report most of the required information by 2008. The IERS would be used to report commercial fishery landings and production data and allow fishery participants to use the Internet for data entry, for subsequent distribution to the ADF&G, IPHC, and NMFS. The IERS would replace the current Shoreside Processor Electronic Logbook Report (SPELR), distributed by NMFS for entering groundfish data, and would replace the NMFS-designed IFQ online system for entering IFQ halibut data, Western Alaska Community Development Quota (CDQ) halibut data, and IFQ sablefish information, as appropriate.

### (3) Permit-related regulations

This action would revise several sections of regulations that pertain to permits and licenses in the fisheries off Alaska. The proposed minor revisions would improve enforcement of the regulations at 50 CFR part 679, by clarifying text, where necessary, such that the regulations are specific, especially regarding permitting issues.

### (4) Regulatory text reorganization

This action would reorganize and revise § 679.5(a) and (c) such that each of the six groundfish logbooks is described in regulatory text separately, completely, and clearly. Regulations for processor-completed forms related to logbooks also would be revised and reorganized in this rule.

(5) IFQ crab landing report and CR Registered Crab Receiver Ex-vessel Volume and Value Report

This action would revise § 680.5 by removing IFQ crab landing report regulations, for subsequent incorporation into § 679.5. This change would place related requirements in one section. The landing report originally was created for CR crab, but now is used for reporting groundfish, IFQ halibut, CDQ halibut, and IFQ sablefish as well.

In addition, this action would add a requirement for submittal of a CR Registered Crab Receiver Ex-vessel Volume and Value Report near the end of the crab fishing year. Addition of this form would change the requirement to report the price paid for crab during eLandings data entry from mandatory to optional on the IFQ crab landing report, because the price at the time of landing does not include post-delivery or end of season adjustments. An accurate report of crab value is important for assessing fees for participants in the CR crab fisheries.

An additional effect would be the removal of a requirement for an RCR who receives a landing of CR crab harvested under the CDQ or Adak community allocation programs to submit for each landing the price per pound. Instead, each RCR would be required to submit a CR Registered Crab Receiver Ex-vessel Volume and Value Report near the end of the crab fishing year.

(6) Groundfish observer at-sea vessel-to-vessel transfers.

This action would remove the text “via small boat or raft”. This change would revise the regulatory text regarding any at-sea transfer of an observer. The result of this clarification would be to increase safety of observer transfers regardless of the method of transfer. The change would also strengthen OLE’s ability to respond to unsafe observer transfer incidents

(7) Miscellaneous revisions to regulations

This action would amend regulations by adding and revising definitions, adding or correcting cross references, removing obsolete text, adding new text, and codifying certain existing practices in both 50 CFR parts 679 and 680.

Except for mandatory use of IERS by all *processors* with a Federal Fisheries Permit or Federal Processor Permit, this rule does not impose new obligations or responsibilities on the participants in these fisheries. The ELBs and IERS do not introduce new data requirements, but instead introduce new methods of recording and reporting data. This rule revises the language that describes existing obligations and responsibility. This action will not impose significant costs on fishermen or processors. It results in no increases in fishery management costs. This action will produce increased efficiency and accuracy of data collected by NMFS, ADF&G, and IPHC, and has the potential to provide a benefit to enforcement and legal staff. Regulatory clarification, consolidation, and simplification also have the potential to provide a benefit to fishery participants, and the Nation as a whole.

This document contains the Regulatory Impact Review (RIR) and Initial Regulatory Flexibility Analysis (IRFA) for five proposed amendments to regulations to improve the methods and procedures of recordkeeping and reporting for the fishery programs of NMFS Alaska Region. This would be done by expanding electronic reporting methods, and by simplifying and clarifying regulations.

## **1.0 Regulatory Impact Review**

### **1.1 Introduction**

This Regulatory Impact Review (RIR) evaluates a regulatory amendment to:

- allow catcher vessels operating in the GOA and the BSAI to substitute an ELB for the DFL, currently required; allow catcher/processors and motherships operating in the GOA and the BSAI to substitute an ELB for the DCPL, currently required; promote development of ELB software by vendors;
- implement regulations for the use of IERS. Using IERS on the Internet, fishery participants report commercial fishery landings and production data with a single data entry for subsequent distribution to ADF&G, IPHC, and NMFS, as appropriate. This action is undertaken in close cooperation with ADF&G and IPHC, and complements parallel actions being adopted by those agencies. Although three agencies are involved in the implementation of IERS, this analysis is focused on the Federal implications of the action. The IERS would replace the NMFS-distributed SPELR to enter groundfish data and replace the IFQ web application for entering IFQ halibut data, CDQ halibut data, and IFQ sablefish information;
- provide uniform language and revise permit-related regulations governing fishing activities in the GOA and BSAI off the coast of Alaska. The proposed revisions would improve enforcement of the regulations at 50 CFR part 679, by simplifying text, where necessary, such that the regulations are specific, especially regarding permitting issues;
- reorganize the sections of regulations at § 679 describing different types of required logbooks, so as to make the regulations more accessible to fishermen, and easier to use. This reorganization does not involve any substantive changes in regulations.
- revise § 680 by removing IFQ crab landing report regulations for incorporation into § 679.5 IERS description and by adding a requirement for a CR Registered Crab Receiver Ex-vessel Volume and Value Report,
- amend § 679 and § 680 by adding and revising definitions, adding or correcting cross references, removing obsolete text, adding new text, codifying certain existing practices, and revising figures and tables to § 679. A detailed description of the proposed changes is found in the Appendix to this analysis.

### **1.2 Requirements of a Regulatory Impact Review**

This RIR is required under Presidential Executive Order (E.O.) 12866 (58 FR 51735; October 4, 1993). The requirements for all regulatory actions specified in E.O. 12866, are summarized in the following statement from the order:

In deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating. Costs and benefits shall be understood to include both quantifiable measures (to the fullest extent that these can be usefully



estimated) and qualitative measures of costs and benefits that are difficult to quantify, but nonetheless essential to consider. Further, in choosing among alternative regulatory approaches agencies should select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity), unless a statute requires another regulatory approach.

E.O. 12866 further requires that the Office of Management and Budget review proposed regulatory programs that are considered to be “significant”. A “significant regulatory action” is one that is likely to:

- § Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, local or tribal governments or communities;
- § Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- § Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- § Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in this Executive Order.

### **1.3 Statutory authority for the proposed action**

The United States has exclusive fishery management authority over all marine resources found within the Exclusive Economic Zone (EEZ), which extends between three and 200 nautical miles from the baseline used to measure the territorial sea. Under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801, *et seq.* (Magnuson-Stevens Act) as amended by Public Law 109-479, the management of these marine resources is vested in the Secretary of Commerce (Secretary) and in the Regional Councils.

The groundfish, crab, scallop, and salmon fisheries in the EEZ off Alaska are managed under their respective Fishery Management Plans (FMPs). The North Pacific Fishery Management Council (Council) prepared the FMPs under the authority of the Magnuson-Stevens Act. Regulations implementing the FMPs appear at 50 CFR parts 679 and 680. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

Section 303(b)(1) of the Magnuson-Stevens Act specifically authorizes FMPs to impose permit requirements in the management of fishery resources. Identification of the participants and expected activity levels are needed to measure the consequences of management controls, and are an effective tool in the enforcement of other fishery regulations. Experience has shown that fines for violations of specific fishery regulations are not as effective as the threat of a permit revocation that would exclude the participant from the fishery altogether. A vessel operator may be willing to assume the risk of having a violation discovered (and incurring the occasional fine), regarding this as a “cost of doing business”, if the illegal activity brings enough economic benefit. Presumably, an operator would not risk incurring the financial loss of complete exclusion from the fishery for a marginal gain.

Management of the halibut fishery in and off Alaska is based on an international agreement between Canada and the United States, and is given effect by the Northern Pacific Halibut Act of 1982. The Act provides that, for the halibut fishery off Alaska, the Council may develop regulations, including limited access regulations, to govern the fishery, provided that the Council's actions are in addition to, and not in conflict with, regulations adopted by the International Pacific Halibut Commission (IPHC). Regulations implementing the commercial IFQ fishery for Pacific halibut and sablefish may be found at 50 CFR 679: Fisheries of the Exclusive Economic Zone off Alaska, Subpart D – Individual Fishing Quota Management Measures, Sections 679.40 through 679.45.

In addition to the Magnuson-Stevens Act, actions taken to amend FMPs or implement other regulations governing these fisheries must meet the requirements of Federal laws and regulations, the most important of which are the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), Executive Order 12866, and the Regulatory Flexibility Act (RFA).

## **1.4 Purpose and need for action**

The objectives of this action are to improve the methods and procedures of recordkeeping and reporting for the fishery programs of NMFS Alaska Region and to revise regulations regarding any at-sea transfer of an observer. This would be done by expanding electronic reporting methods, and by simplifying and clarifying regulations.

### **1.4.1 Replacement of DFLs and DCPLs by electronic logbooks (ELBs)**

Early in the ELB development process, one vendor developed and supplied software for a NMFS pilot program involving catcher vessels using trawl gear. The pilot program involved voluntary participants, and no private costs were involved, other than the training time to learn how to use the software. The pilot program involved approximately a dozen vessels<sup>1</sup>, some of which still use the software instead of the DFL, in spite of the fact that the software is no longer supported by the vendor. The pilot program demonstrated that electronic reporting software is feasible onboard a catcher vessel. During the pilot program, operators aboard catcher vessels using trawl gear were granted permission to use an ELB, instead of the paper DFL, through a letter written by the Regional Administrator, Alaska Region, NOAA Fisheries (Balsiger, 2002).

This proposed action would codify the ELB process (§ 679.5(f)) developed during that pilot program and extend the optional use of ELBs to catcher vessels and catcher/processors using longline or pot gear, catcher/processors using trawl gear, and motherships. Text would be added to § 679.5 to codify use of a trawl catcher vessel ELB, longline or pot catcher vessel ELB, trawl catcher/processor ELB, longline or pot catcher/processor ELB, and mothership ELB and to detail the requirements that vessel owners must meet in their operations. In addition, text would be added at § 679.28 to detail the steps that a vendor must take to obtain NMFS approval of ELB software, or of changes in its approved ELB software.

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<sup>1</sup> The number of trawl CVs using the product has not been reported, to protect confidential business information of the single vendor.

This action may foster the voluntary use of this software, by placing in regulation the conditions governing its adoption and application. Nothing in this action mandates the use of ELBs by operators. Participants could continue to submit the requested information using the existing DFLs and DCPLs.

Catcher vessels using trawl gear that currently use the ELB would be required to provide information on the dates of periods of inactivity, the reason for the vessel's inactivity, and the date when the vessel becomes active after being inactive. This requirement duplicates a requirement in the DFL that the ELB is designed to replace.

Comparisons of NMFS-distributed paper DFLs and DCPLs with electronic logbooks reveal that ELBs will make recording of and retrieving daily information easier for the public and will increase the accuracy of information collected and summarized. In addition, ELBs will interface with onboard electronics to collect certain information automatically or almost automatically (for example location and direction information from global positioning system (GPS)). An additional advantage is that ELBs will create a wide range of reports to allow the operator to analyze his or her fishing activity.

Beyond the replacement of the DFL and the DCPL, future use of the ELB is seen potentially as a primary factor in the IERS system. The shoreside processors and SFPs are already set up to use the Internet to enter all data and information formerly found in the DCPL. The catcher/processor and mothership DCPLs, however, contain information that so far has not been programmed into the IERS system. This information must continue to be collected by the operator by completing portions of the DCPL, in addition to entering data into the IERS system. If using an ELB, the operator would complete all information requested in the ELB – which is the same information requested in the DCPL – and transmit or export a complete file to IERS, which is set up to automatically accept the file. And catcher vessels using the ELB would transmit the complete file also through IERS.

### *Using an ELB*

This action would allow NMFS-approved ELBs to be voluntarily used by fishery participants to replace the DFLs for trawl gear catcher vessels and longline or pot gear catcher vessels. ELBs would also be available for use by fishery participants to replace the DCPLs used by trawl gear catcher/processors, longline or pot gear catcher/processors, and motherships.

Once the NMFS-approved ELB software is available, the operator of a catcher vessel, catcher/processor, or mothership would choose to document groundfish fishing activity using an ELB, instead of using the NMFS-prescribed DFL or DCPL. The operator using an ELB must:

- Use a NMFS-approved ELB. The NMFS Alaska Region Regional Administrator (Regional Administrator) will maintain a list of approved ELBs;
- Keep a current copy of the appropriate DFL or DCPL onboard, in the event that problems occur with the ELB computer system or the ELB requirements are not complied with. In that event, the paper DFL or DCPL must be completed as required by regulations. Although not required to maintain a daily DFL or DCPL or submit quarterly DFL or DCPL logsheets to OLE if using an ELB, the operator must ensure proper recording of the vessel's fishing activity. When the ELB system is restored, the operator would transfer the information from the DFL or DCPL into the ELB.

- Regularly backup ELB data to ensure that data are not lost in the event of hardware/software problems;
- Create three products: an ELB logsheet, an ELB discard report, and an ELB data export. Regulations describe the content of these three classes of reports.
- Print or make a copy of the ELB daily report for distribution to the processor (to replace the DFL blue copy) and the observer (to replace the DFL goldenrod copy).
- Transmit the data, in the approved ELB format, at the end of each trip, as an email attachment to [elecprep@fakr.noaa.gov](mailto:elecprep@fakr.noaa.gov).

### *Creating an ELB*

In 2003, the Regional Administrator approved ELB software from one firm for use in a pilot project using trawl catcher vessels in the GOA and the BSAI. As of the spring of 2004, a number of trawl catcher vessels had taken advantage of the opportunity to substitute the ELB reports for the DFL<sup>2</sup> and several trawl catcher vessel ELBs are still in use, as of this date, even though the originating firm of the ELB software is no longer in business. This action would enhance the original pilot project ELB specifications by adding to the equipment and operational regulations at § 679.28, the process and criteria by which a private-sector vendor could have ELB software programs approved by NMFS for use in the Alaska Region groundfish fisheries, by trawl catcher vessels, longline or pot catcher vessels, trawl catcher/processors, longline or pot catcher/processors, and motherships.

If appropriate, NMFS would approve for use ELB software from a vendor, within 15 working days of submission to the Alaska Region. To obtain NMFS approval, the vendor's ELB software must provide the following characteristics:

- Have fields for all information required in a DFL or DCPL;
- Automatically time and date stamp each printed copy of the ELB logsheet and clearly identify the first printed copy as "original." If any changes are made to the data in the ELB, subsequent printed copies must clearly be identified as "revised." The software must be designed to prevent the operator from overriding this feature;
- Must export data as an ASCII comma delimited text file or other format acceptable to NMFS;
- Must integrate with the vessel's GPS to allow vessel location fields to be completed automatically;
- When the software is started, it must clearly show the software version number;
- Must facilitate the transfer of an export file to NMFS as an e-mail attachment;

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<sup>2</sup> The number of trawl CVs using the product has not been reported, to protect confidential business information of the single vendor.

- Must ensure that an operator can comply with the requirements for ELB use; and
- Must include sufficient data validation capability to prevent a user from accidentally transmitting a data file, or printing an ELB logsheet, that is incomplete or contains clearly erroneous data.

#### **1.4.2 Interagency Electronic Reporting System (IERS)**

The IERS system includes a data entry component called eLandings. eLandings will be used as a single reporting system for commercial harvest and production of groundfish, halibut, and crab. eLandings allows processors and others to make all three required landings reports to regulatory agencies (NMFS, IPHC, and ADF&G) with a single reporting system. Using eLandings removes reporting duplications, and once implementation is complete, eLandings would make recordkeeping and reporting simpler.

Additional benefits of the eLandings system include:

- Immediate verification of permits and vessel identification;
- Timely catch reports for management agency use;
- Options for processors to import or export catch and production information; and
- Significant reduction in data entry by management agencies and processors.

Processors would report groundfish, crab, halibut, and sablefish landings on the eLandings website (<http://www.elandings.alaska.gov>) and print records of those landings in the format of an ADF&G fish ticket. Fish and shellfish catches would be reported and printed as daily at-sea or shoreside production reports. IFQ information would be printed in the format of an IFQ report. These paper copies would be maintained for enforcement purposes.

Clients with no web access, such as the at-sea fleet, would use eLandings client desktop software and submit landing reports as e-mail attachments. The vessels use satellite communications which include telephone, Internet, text messaging, email, and email attachment capabilities.

Through eLandings, participants will submit a daily landing report via the Internet. All retained catch must be weighed, reported, and debited from the appropriate account under which the catch was harvested. NMFS chose to implement eLandings as a more convenient, accurate, and timely method of data entry. Additionally, eLandings will provide continuous access to accounts. These provisions will make recordkeeping and reporting requirements less burdensome by allowing participants to more efficiently monitor their accounts and fishing activities. NMFS believes that the added benefits of eLandings outweigh any benefits of the paper based system.

Use of the IERS was required under the regulations at § 680 for the first BSAI Crab Rationalization Program (CR) crab fishery, on August 15, 2005. Use of the IERS was required under the regulations at § 679 for the Central GOA Rockfish Pilot Program, on December 20, 2006. This current action extends the requirement to use IERS to managers of shoreside processors and stationary floating processors, as well as to operators of catcher/processors and motherships to report landings of groundfish. It also extends to IFQ Registered Buyers to report landings of IFQ halibut, IFQ sablefish, and CDQ halibut.

The IERS reduces duplicate reporting of similar information for commercial harvest and processing of groundfish, Pacific halibut, salmon, and shellfish required by NMFS, ADF&G, and IPHC. IERS allows processors to enter, edit, and summarize landings data on the Internet, through eLandings. The system allows for timely and accurate data entry, produces a Portable Document Format file (.pdf) for printing an ADF&G fish ticket for the landing, and allows data to be incorporated into processor data systems through export of data as an ASCII comma delimited text file, or other format acceptable to NMFS.

The objectives of IERS and eLandings are:

- All the shoreside processors that were using SPELR for groundfish data entry voluntarily switched to IERS on January 1, 2007.
- All IFQ Registered Buyers that are currently using the IFQ online system for IFQ halibut, CDQ halibut, and IFQ sablefish data entry would switch to IERS by January 2008.
- Catcher/processors and motherships that are currently using the desktop version of SPELR would switch to the desktop version of IERS to submit daily production reports for groundfish fisheries by January 2008.
- Catcher/processors and motherships that are currently using paper DCPLs would switch to IERS to submit daily production reports for groundfish fisheries by January 2008.

This action addresses the mandate of the Magnuson-Stevens Act to “develop recommendations for implementation of a standardized fishing vessel registration and information management system on a regional basis,” to develop the recommendations “after consultation with interested governmental and nongovernmental parties,” to “avoid duplication of existing State, tribal, or Federal systems,” to “utilize, to the maximum extent practicable, information collected from existing systems,” and to “provide for implementation of the system through cooperative agreements with appropriate State, regional, or tribal entities and Marine Fisheries Commissions” (16 U.S.C. 1881, Section 401).

### **1.4.3 Permit-related Revisions**

At least ten different programs within the Alaska Region require one or more permits or licenses to participate in the fisheries within the program. The programs were initiated separately over the years, each implemented with a set of regulations and applications. Sometimes an existing application was modified by a new program. Sometimes one element was globally changed within all of the regulations, and some applications were not updated to match. Various things happened to allow the regulations to become burdened with out-of-date language and formatting. By making the effort to standardize and update the regulations, NMFS intends to resolve the potential for confusion and misinterpretation. None of these changes is substantive.

Over the years, NMFS has prosecuted participants for violations of the 50 CFR part 679 regulations, particularly as pertaining to permits. Through that process, legal weaknesses in the regulations were noticed that caused NMFS to lose enforcement cases, often because the regulations were not written precisely enough to make legally distinct conclusions. The rule proposed here attempts to correct identified weaknesses in the permit-related regulations. With improved regulatory text, NMFS could further ensure the conservation goals of the Magnuson-Stevens Act are met and thereby enhance the benefit to the Nation derived from these resources. The revisions to NMFS permit-related regulations (refer to the Appendix for detailed descriptions) would improve regulatory text at 50 CFR part 679 by

clarifying and simplifying text, where necessary, such that the regulations are specific, especially regarding permit-related issues.

The objective of this action is to improve the regulations that govern permits for NMFS. Permit applications are available for 10 different programs. In many cases, fishery participants are required to obtain multiple permits. This action is administrative, and would have no effect on the fisheries. The changes suggested in this action would minimize potential economic burdens associated with the original actions, which established these 10 programs, by clarifying and simplifying regulations, as required under the Magnuson-Stevens Act National Standard 7 (to minimize costs and avoid unnecessary duplication) and the Paperwork Reduction Act (to minimize the economic burden of recordkeeping and reporting requirements).

Fishermen operating in the EEZ off the coast of Alaska are required by regulations at 50 CFR part 679 to obtain a number of different permits and licenses in various fisheries. NMFS has posted information on completing applications for these different permits to its Alaska Region web site at: <http://www.fakr.noaa.gov/ram/default.htm>

The information obtained through issuance of permits and transfer of permits is used in different ways. The USCG uses the information for onboard audits of fishing vessels. The OLE uses the information for after-the-fact audits and investigations. NMFS RAM manages Alaska Region permit programs, provides program information to the public, determines eligibility, issues permits, processes transfers, collects landing fees, and performs other related activities.

NMFS issues several types of permits and licenses. Participants often have more than one type of permit at any one time for more than one fishery. The proposed action will affect all permit holders in some indirect way, but not all permit holders will be affected by every regulatory revision.

#### *Groundfish permits*

Groundfish are defined in Table 2a to part 679. Sablefish are identified both as a groundfish and as an IFQ fish. Halibut are identified as a prohibited species in the groundfish fishery.

#### The Federal fisheries permit (FFP)

The FFP is a non-transferable, three year permit, issued on request and without charge to vessel owners. For 2005, NMFS issued 1,620 FFPs for Federal fisheries in the EEZ off Alaska.

The FFP is required for vessels of the United States, which are used to fish for groundfish in the GOA and BSAI. The FFP is issued by area (GOA or BSAI), by type of vessel operation (catcher vessel, catcher/processor, mothership, tender vessel buying station, and support vessel), and by gear type (trawl, hook-and-line, pot, jig, or troll).

Catcher/processers under 125 feet length overall (LOA), must request an endorsement to the FFP, if they wish to process GOA inshore pollock or GOA inshore Pacific cod.<sup>3</sup>

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<sup>3</sup> Under provisions of the original “Inshore/Offshore Allocation” amendment to the GOA Groundfish FMP, 100 percent of the TAC for pollock, and 90 percent of the TAC for Pacific cod was set aside for the exclusive use of the “inshore” sector. Provision was made in that regulation for catcher/processers <125’ LOA, processing 12 mt or less of groundfish per day, to participate in the “inshore” allocation.

Fishing vessels must request an endorsement to the FFP if they wish to participate using gear other than jig gear in any of the following four directed fisheries: Pacific cod; pollock; BSAI Atka mackerel; and Aleutian Islands (AI) Atka mackerel Harvest Limit Areas (HLA). Vessels endorsed for any of these directed fisheries are required to have on board and use a Vessel Monitoring System (VMS) while the directed fisheries for which the permit is endorsed are open, regardless of where the vessel is fishing at the time (including Alaska State waters) or what the vessel is targeting.

In addition, for FFPs with an endorsement for AI Atka mackerel HLA, NMFS has implemented a system of “platoon” management for Atka mackerel HLA. A semi-annual lottery, performed by NMFS, determines placement in a fishing group, in either statistical area 542 or 543 (central or western AI) in each of two seasons (A and B).

The FFP is also required for vessels used to fish for any non-groundfish species, if the operation is required to retain any bycatch of groundfish, under 50 CFR part 679. Non-groundfish species include (but are not limited to) halibut, crab, salmon, scallops, and herring.

#### The Federal processor permit (FPP)

FPPs are non-transferable, three year permits, issued on request and without charge. For 2005, NMFS issued 13 FPPs to stationary floating processors that operate solely within State waters (*i.e.*, SFPs), and 114 FPPs to shoreside processors.

An FPP is required for shoreside processors that receive, purchase, or arrange to purchase unprocessed groundfish, harvested from Federal waters (or that receive groundfish from any vessel issued a Federal fisheries permit), and also for SFPs that receive or process unprocessed groundfish.

SFPs must request a GOA inshore processing endorsement to their FPP, if they wish to process GOA inshore pollock and/or GOA inshore Pacific cod. SFPs that hold an inshore processing endorsement are prohibited from processing GOA pollock and GOA Pacific cod in more than one single geographic location during a fishing year and are also prohibited from operating as a catcher/processor in the BSAI.

#### *Individual Fishing Quota (IFQ) permits*

##### IFQ permit

An IFQ permit authorizes a person to harvest IFQ halibut, or IFQ sablefish, depending on the species for which the IFQ is issued, from a specified IFQ regulatory area, at any time during an open fishing season, during the fishing year for which the IFQ permit is issued, until the amount harvested is equal to the amount specified under the permit. For 2005, NMFS issued 5,019 IFQ permits; these permits are assigned to one of four vessel categories, based on the vessel LOA.

##### IFQ landing card

An IFQ landing card authorizes a person to land IFQ halibut or IFQ sablefish (depending upon the species authorized by the permit) for debit against the specified IFQ permit. Each IFQ permit holder and each hired skipper gets one card per IFQ permit number under which they may fish. For 2005, NMFS issued 6,133 IFQ cards (5,019 permit holders + 1,114 hired skippers).



### IFQ Registered Buyer permit

An IFQ Registered Buyer permit authorizes a person to receive and make an IFQ landing by an IFQ permit holder or IFQ cardholder, or to receive and make a CDQ halibut landing by a CDQ permit holder or cardholder: each person who receives IFQ fish or CDQ halibut from the harvester; each IFQ or CDQ permit holder who harvests IFQ or CDQ fish and then transfers those fish in dockside sales to individuals for personal consumption, outside of an IFQ regulatory area, or outside the State of Alaska. For 2005, NMFS issued 570 Registered Buyer permits.

### *Western Alaska Community Development Quota (CDQ) permits*

The six CDQ groups must obtain permits for their fishing vessels. An area specific CDQ halibut permit is required for a CDQ group to harvest CDQ halibut from a specified IFQ regulatory area. A CDQ card is required for a CDQ group to land IFQ halibut for debit against the specified CDQ permit. These CDQ permits are required in addition to an FFP permit for the vessel. For 2005, there were 6 CDQ permits issued.

### *American Fisheries Act (AFA) permits*

An AFA permit is required for any vessel engaged in directed fishing for a non-CDQ allocation of pollock in the Bering Sea, and for any shoreside processor, SFP, or mothership that receives pollock harvested in a non-CDQ directed pollock fishery in the Bering Sea. The types of AFA permits are: catcher/processor, catcher vessel, mothership, inshore processor (shoreside processor or SFP), inshore cooperative fishing, and replacement vessel. With the exceptions of applications for inshore vessel cooperatives and for replacement vessels, the AFA permit program had a one-time application deadline of December 1, 2000, for AFA vessel and processor permits. Inshore catcher vessel cooperatives must apply for an AFA permit, annually, by December 1, for the following fishing year. These AFA permits are required in addition to an FFP for a vessel, or an FPP for the inshore processor (shoreside processor or SFP). AFA permits also may limit the take of non-pollock groundfish, crab, and prohibited species, as governed by AFA "sideboard" provisions. Pollock is identified as a groundfish. In 2005, the following AFA permits were active: 105 catcher vessel permits; 21 catcher/processor permits; 10 inshore cooperative permits; and 8 inshore processor permits.

### *License Limitation Program (LLP) licenses*

Each vessel, fishing within the GOA or BSAI must have an LLP groundfish, crab, or scallop license on board at all times. Further, an original license must name a vessel and be onboard that vessel when it is engaged in such fishing (with exceptions). The LLP license requirement is in addition to all other permits or licenses required by Federal or State regulations. There are four exceptions to the LLP license requirement: vessels less than 26 feet LOA in the GOA; vessels less than 32 feet LOA in the BSAI; vessels less than 60 feet LOA and that are using jig gear (but no more than 5 jig machines, one line per machine, and 15 hooks per line) in the BSAI; and certain vessels constructed for and used exclusively in Community Development Quota fisheries.

### Groundfish LLP license

The groundfish LLP license authorizes a person to deploy a vessel to conduct directed fishing for LLP groundfish only within the specific area and for the specific species listed on the endorsements with the gear-type and vessel designation (*e.g.*, the maximum LOA) specified on the license. The groundfish LLP

license requirement does not apply to Pacific halibut or lingcod, which are not considered groundfish under the Federal FMPs. In addition, some Federal groundfish fisheries are not subject to the license requirement.

Persons who wish to participate in the directed fishery for Pacific cod in the BSAI, with pot or hook-and-line gear, must have the appropriate gear-specific Pacific cod endorsement on the LLP license that names their vessel. Pacific cod endorsements are not required for trawl gear or jig gear in the BSAI. For these gear-types, licensees only need a trawl or non-trawl gear endorsement, respectively. There are three exceptions to the Pacific cod endorsement requirement: any vessel exempted from the LLP program; any catcher vessel less than 60 feet LOA; and any catch of Pacific cod for personal use as bait. Specific Pacific cod endorsements are not required in the GOA.

Groundfish LLP licenses are issued with area endorsements which, except in one case, have the same boundaries as Federal statistical and reporting areas. In the BSAI there are two LLP endorsement areas: the Bering Sea and the Aleutian Islands. In the GOA, there are three LLP endorsement areas: West Gulf, Central Gulf (CG), and Southeast Gulf. The LLP CG area is the exception mentioned above, because it includes the West Yakutat district. An LLP CG area endorsement is earned, based on harvests both from the Central GOA and the West Yakutat District, which in turn, authorizes harvesting in the entire region from 140° to 159° W. longitude and south of the Kenai Peninsula/Aleutian Chain.

In 2005, NMFS issued 1,840 groundfish LLP licenses.

Crab LLP license The crab LLP license authorizes a person to deploy a vessel to conduct directed fishing in LLP king and/or Tanner crab fisheries in the BSAI, within the specific area identified in the endorsement. Pursuant to the [BSAI Crab Rationalization Program](#), all crab licenses (endorsed for fisheries other than just Norton Sound king crab) were revised to reflect fisheries remaining under governance of the LLP program. The actual areas available for harvest during any open fishery may differ. In 2005, NMFS issued 349 crab LLP licenses.

Scallop LLP license Any commercial fishing vessel that is deployed in the LLP scallop fisheries within the EEZ off the coast of Alaska, must carry an original scallop LLP license onboard at all times it is catching and retaining scallops (except for some diving operations). Scallop licenses have no area endorsements. The scallop LLP license, issued by NMFS, authorizes the person named on the license to catch and retain scallops in compliance with regulations of the State of Alaska, and only with a vessel that does not exceed the maximum LOA specified on the license and the gear designation specified on the license. Nine scallop LLP licenses were active in 2005. These licenses do not have expiration dates.

#### *Exempted fisheries and research fisheries*

The exempted fisheries permit authorizes a participant to conduct fishing for groundfish in a manner that would otherwise be prohibited, *e.g.*, to experiment with a new type of gear. The research fisheries permit is usually given to an agent to conduct fishing for groundfish in a manner other than as a directed fishery. For 2005, 22 research and 2 exempted permits were issued.

#### *Prohibited species donation (PSD) program*

The PSD program operates in the groundfish fisheries for incidentally caught prohibited species that normally are not authorized to be retained. Incidentally caught halibut, taken by catcher vessels using trawl gear and delivered to shoreside processors, as well as salmon caught incidentally to groundfish, are not discarded, but rather are provided to a PSD-permitted distributor who distributes the fish to hunger relief agencies. The PSD permit authorizes a participant to distribute food product from remote Alaska locations to hunger relief agencies, food bank networks, or food bank distributors, including arrangements for transportation, distribution costs, and product quality control. The species in this program are otherwise prohibited from retention in the groundfish fisheries. For 2005, one PSD permit was issued.

#### **1.4.4 Regulatory text reorganization**

NMFS proposes to reorganize and revise § 679.5(a) and (c), such that each of the six groundfish logbooks is described in an individual section of regulatory text, separately, completely, and clearly. This action would make the regulations easier for the public to use. Regulations for processor forms also would be revised and reorganized in this rule. Currently, these regulations are arranged into tables by data element relating to multiple logbooks and forms. The reader must consult several places in the regulations to find complete requirements for any given logbook or form.

The original organization of the regulations was designed by "information item" for use from the perspective of fishery managers and enforcement staff. For example, recording "daily catch weight" is described at §679.5(a)(7)(iv)(C) for a shoreside processor DCPL, a trawl catcher vessel DFL, a trawl catcher/processor DCPL, a mothership DCPL, a catcher vessel longline or pot DFL, a catcher/processor longline or pot DCPL, and a buying station report. Fishery participants have mentioned to NMFS that this multiple-operation organization is confusing. These participants would rather select and read a complete and specific set of instructions for a given form or logbook. This action would reorganize the regulations to create individual sections for each logbook and form in § 679.5.

#### **1.4.5 IFQ crab landing report and CR Registered Crab Receiver Ex-vessel Volume and Value Report**

NMFS proposes to revise § 680.5 by removing IFQ crab landing report regulations, for subsequent incorporation into § 679.5. This change would place related requirements in one section. The landing report originally was created for CR crab, but now is used for reporting groundfish, IFQ halibut, CDQ halibut, and IFQ sablefish as well.

In addition, this action would add a requirement for submittal of a CR Registered Crab Receiver Ex-vessel Volume and Value Report near the end of the crab fishing year. Addition of this form would change the requirement to report the price paid for crab during eLandings data entry from mandatory to optional on the IFQ crab landing report, because the price at the time of landing does not include post-delivery or end of season adjustments. An accurate report of crab value is important for assessing fees for participants in the CR crab fisheries and is required by the Magnuson-Stevens Act (304(d)(2)(B)). This report is similar to a report required under the NMFS Alaska Region IFQ Program for Pacific halibut and sablefish.

An additional effect would be the removal of a requirement for an RCR who receives a landing of CR crab harvested under the CDQ or Adak community allocation programs to submit for each landing the

price per pound. Instead, each RCR would be required to submit a CR Registered Crab Receiver Ex-vessel Volume and Value Report near the end of the crab fishing year.

#### **1.4.6 Groundfish observer transfer**

The Fisheries Monitoring and Analysis Division (FMA) monitors groundfish fishing activities in the EEZ off Alaska and conducts research associated with sampling commercial fishery catches, estimation of catch and bycatch mortality, and analysis of fishery-dependent data. As part of the FMA's North Pacific Observer Program, approximately 400 fishery observers spend up to 90 consecutive days each year at sea or at processing plants collecting data used for management of the Alaskan groundfish fisheries. On occasion, the need occurs for Industry to transfer an observer at sea from one vessel to another vessel. During this event, the safety of the observer is paramount. NMFS proposes to revise a groundfish observer regulation regarding at-sea vessel-to-vessel transfers by removing "via small boat or raft". The result of this change would be to increase safety of observer at-sea transfers regardless of the method of transfer. The change would also strengthen OLE's ability to respond to unsafe observer transfer incidents.

The OLE recently took enforcement action against a vessel operator who conducted a transfer of a NMFS certified observer at sea, at night, and without the observer's consent. The transfer occurred between two vessels which were nested side to side. While the facts of the case were felt to have merit, the transfer was not conducted via raft or small boat; therefore, the elements of the violation were determined to have not been met.

#### **1.4.7 Miscellaneous revisions to regulations**

NMFS proposes to amend regulations in §679 and §680, by adding and revising definitions, adding or correcting cross references, removing obsolete text, adding new text, codifying certain existing practices, and revising figures and tables to § 679. These changes are necessary to facilitate management of the fisheries, promote compliance with the regulations, and facilitate enforcement efforts.

### **1.5 Alternatives considered**

#### **Action 1: Replacement of DFLs and DCPLs by electronic logbooks (ELBs)**

##### *Alternative 1: No action. Do not add regulations for ELBs*

Under this No action alternative, no additions or revisions would occur in regulations to regulate the ELBs. Use of ELBs would be restricted to catcher vessel trawl operations and would continue pursuant to the Regional Administrator's letter of December 31, 2002 rather than by regulations.

##### *Alternative 2: Revise regulations to include ELBs (preferred alternative)*

Under this alternative, NMFS would add regulations governing the use of the ELBs and describing ELB software requirements from vendors. The Regional Administrator's letter of December 31, 2002, would be superseded. Currently, ELB software is available only for the trawl catcher vessel. With the change in regulations allowing other operations to voluntarily use ELBs, NMFS is anticipating that the industry will

develop this software.

The preferred alternative would allow participants to voluntarily use an ELB instead of a DFL or DCPL, but would not require firms to encounter additional costs, because all processors participating in Federal fisheries have access to a computer. An early version of this analysis included a provision requiring that fishing operations using the ELB software file a report with NMFS within 24 hours of delivering their product. This provision was eliminated from the alternatives following industry consultations during the preparation of the IRFA. The provision was expected to impose an undue burden on operations that were using the software voluntarily and perhaps slow its adoption rate. An examination of existing response rates indicated that about 32 percent of these reports have been received by NMFS within 24 hours of the landing, and about 73 percent have been received within 48 hours of the landing.<sup>4</sup> The preferred alternative eliminates the potential adverse economic burden on directly regulated small entities, identified in the alternative referenced immediately above. This alternative would relax a constraint on the public, and if anything, would reduce their costs. Any additional alternatives in this instance would either compromise NMFS' ability to meet the objectives of the action, or increase public costs.

## **Action 2: Interagency Electronic Reporting System (IERS)**

### *Alternative 1: No action. Do not shift to new web-based data entry system*

Under this No action alternative, each agency would continue to collect data, independently of one another, utilizing differing forms and formats, and requiring fishery participants to submit substantially equivalent data to multiple management authorities.

### *Alternative 2: Cooperate with ADF&G and IPHC to implement web-based data entry system (the preferred alternative)*

Under this alternative, NMFS would provide web-based entry of data by processors through the IERS. IERS meets the reporting requirements of NMFS, ADF&G, and IPHC, and thus reduces redundant reporting to multiple agencies. For NMFS, the implementation of the IERS would replace the SPELR for entering groundfish data. It would also replace the IFQ online system for entering IFQ halibut, CDQ halibut, and IFQ sablefish data.

NMFS has limited scope for introducing alternatives for this action, because NMFS is attempting to complement actions being taken by the State of Alaska and the International Pacific Halibut Commission. If NMFS adopted an alternative system, we would only create confusion and potentially increase industry costs.

The costs of this action are minor; it would be hard to identify alternatives with significant cost savings.

## **Action 3: Permit-related revisions**

### *Alternative 1: No Action. Do not revise permit-related regulations*

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<sup>4</sup> Query of ELB data base in Alaska Region by Steve Kocsis (NMFS-AKR-SF) on 1-12-05.

Under this No action alternative, NMFS would not simplify the subject regulations to allow improved enforcement of permit-related regulations.

***Alternative 2: Revise permit-related regulations (the preferred alternative)***

Under this alternative, NMFS would revise regulations to improve enforcement of permit-related regulations at 50 CFR part 679, by simplifying text, where necessary, such that the regulations are specific, especially regarding permit-related issues. A detailed description of the proposed changes is found in the Appendix to this analysis.

**Action 4: Regulatory text reorganization**

***Alternative 1: No Action. Do not reorganize regulations***

Under this No action alternative, the subject regulations would not be reorganized.

***Alternative 2: Reorganize regulations (the preferred alternative)***

Under this alternative, NMFS would reorganize and revise regulations at § 679.5(a) and (c) such that each of the six groundfish logbooks is described in regulatory text, separately, completely, and clearly. This action would make the regulations easier to use for the public. Regulations for processor-completed forms related to logbooks also would be revised and reorganized in this rule.

**Action 5: IFQ crab landing report and CR Registered Crab Receiver Ex-vessel Volume and Value Report**

***Alternative 1: No Action. Do not move text describing IFQ crab landing report; do not add CR Registered Crab Receiver Ex-vessel Volume and Value Report.***

Under this No action alternative, the text describing IFQ crab landing report would not be moved and the CR Registered Crab Receiver Ex-vessel Volume and Value Report would not be added.

***Alternative 2: Move text describing IFQ crab landing report and add CR Registered Crab Receiver Ex-vessel Volume and Value Report (the preferred alternative).***

Under this alternative, NMFS would move text describing IFQ crab landing report and incorporate that text into § 679.5(e). In addition, a new form, the CR Registered Crab Receiver Ex-vessel Volume and Value Report” would be added to collect accurate crab prices.

Regulations describing the IFQ crab landing report would be removed from at § 680.5, and incorporated into § 679.5(e) as “eLandings landing report”. This change would allow all related information for the eLandings landing report to be found in one section. The landing report originally was created for CR crab, but now is used for reporting groundfish, IFQ halibut, CDQ halibut, and IFQ sablefish as well.

In addition, this action would add a requirement for submittal of a new form, the CR Registered Crab Receiver Ex-vessel Volume and Value Report, near the end of the crab fishing year. Addition of this form would change the requirement to report the price paid for crab during eLandings data entry from mandatory to optional on the IFQ crab landing report, because the price at the time of landing does not

include post-delivery or end of season adjustments. The purpose of this form is to collect information from CR Crab Registered Crab Receivers (RCRs) so that NMFS, Restricted Access Management (RAM) can establish a “standard” ex-vessel price for CR Crab. The standard price will be used to estimate the cost recovery fees due from processors and harvesters.

An additional effect would be the removal of a requirement for an RCR who receives a landing of CR crab harvested under the CDQ or Adak community allocation programs to submit for each landing the price per pound. Instead, each RCR would be required to submit a CR Registered Crab Receiver Ex-vessel Volume and Value Report near the end of the crab fishing year.

This alternative is preferred. The form collects information used to assess fees on an annual basis. The information could not be collected more frequently or less frequently because assignment of fees is done on an annual basis. Further, the participants may not participate in the CR fisheries if fees are not paid.

### **Action 6: Groundfish observer transfer**

#### ***Alternative 1: No Action. Do not revise observer transfer regulations***

Under this No action alternative, the subject regulations would not be revised.

#### ***Alternative 2: Revise observer transfer regulations (the preferred alternative)***

Under this alternative, NMFS would revise a groundfish observer provision regarding at-sea vessel-to-vessel transfers by removing “via small boat or raft” from the regulations at § 679.50(g)(1)(ix)(A). This revision would improve the safety of an observer undergoing a transfer at sea. The text to be removed restricts the type of observer transfer to boat or raft. This text removal would require other types of at-sea transfer to be conducted during daylight hours, under safe conditions, and with the agreement of observers involved.

#### ***Alternative 3: Prohibit at-sea transfers***

Under this alternative, NMFS would prohibit the transfer of an observer at sea. Most of the at-sea transfers are done by companies that own two or more less than 100% covered vessels and that use one observer to accomplish observer coverage requirements on these vessels. This revision would require an observer to be transferred only at the dock, resulting in increased costs for the company, caused by vessels having to return to the dock to pick up or drop off an observer. This alternative would also increase the overall safety of observers as they would not be put at risk by conducting an at-sea transfer.

### **Action 7: Miscellaneous revisions to regulations**

#### ***Alternative 1: No Action. Do not amend regulations***

Under this No action alternative, the subject regulations would not be amended with miscellaneous changes.

#### ***Alternative 2: Amend regulations (the preferred alternative)***

Under this alternative, NMFS would amend regulations at § 679.5 and § 680, by adding and revising definitions, adding or correcting cross references, removing obsolete text, adding new text, codifying certain existing practices, and revising figures and tables to § 679.

## 1.6 Sources of information on Alaska's fisheries

Detailed descriptions of the social and economic characteristics of the groundfish fisheries conducted off Alaska may be found in the following reports. All of these are public documents and are readily available in printed form, or over the Internet, at <http://www.fakr.noaa.gov/sustainablefisheries/default.htm>. Rather than duplicate their contents here, they are appended by reference. Readers wishing greater detail may refer to these documents.

*Alaska Groundfish Fisheries Final Programmatic Supplemental Environmental Impact Statement June 2004* (NMFS, 2004). The Final Alaska Groundfish Fisheries Programmatic Supplemental Environmental Impact Statement (PSEIS) serves as the primary decision document for determining the future overarching management policies and directions of the Fishery Management Plan for the Groundfish Fishery of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMPs). The PSEIS also serves as the current primary environmental review document supporting the FMPs. It summarizes and analyzes the best scientific information about the natural and physical environment in the Gulf of Alaska and Bering Sea and Aleutians Islands areas and the relationship of people with that environment. It assesses the environmental impacts resulting from past and present fishery management regimes and from the expected impacts of alternative future fishery management regimes. Significant environmental and fishery changes have occurred since the original Environmental Impact Statements (EISs) for the FMPs were prepared approximately 25 years ago.

*Stock Assessment and Fishery Evaluation Report for the Groundfish Fisheries of the Gulf of Alaska and Bering Sea/Aleutian Island Area: Economic Status of the Groundfish Fisheries off Alaska, 2003*. Hiatt, Terry, Ron Felthoven, Chang Seung, and Joe Terry. (2004). Economic and Social Sciences Research Program. Resource Ecology and Fisheries Management Division, Alaska Fisheries Science Center, NMFS. Seattle: November, 2004. This document is produced by NMFS and updated annually. The 2004 edition contains 47 historical tables summarizing a wide range of fishery information through the year 2003.

*Final EIS for American Fisheries Act (AFA) Amendments 61/61/13/8* (NMFS, 2002) The new management programs mandated by the AFA and implemented under Amendments 61/61/13/8 are of sufficient magnitude to warrant preparation of a separate EIS for these amendments. The AFA, Div. C, Title II, Subtitle II, Pub. L. No. 105-277, 112 Stat. 2681 (1998), made profound changes in the management of the groundfish fisheries of the BSAI and, to a lesser extent, the groundfish fisheries of the GOA, crab fisheries of the BSAI, and scallop fishery off Alaska, and requires the adoption of new agency programs and regulations.

*Steller Sea Lion Protection Measures Draft Supplemental Environmental Impact Statement* (NMFS, 2001). Referred to as "SSL SEIS" in the remainder of this section) contains several sections with useful background information on the groundfish fishery (although the majority of information provided is focused on three important species - pollock, Pacific cod, and Atka mackerel).



Section 3.12.2 provides extensive background information on existing social institutions, patterns, and conditions in these fisheries and associated communities, Appendix C provides extensive information on fishery economics, and Appendix D provides extensive background information on groundfish markets.

## 1.7 Benefits and costs of this action

The objective of this action is to improve the methods and procedures of recordkeeping and reporting for the fishery programs of NMFS Alaska Region. This would be done by expanding access to electronic reporting methods and by simplifying and clarifying regulations. While a quantitative estimate of the net benefits of the action can't be made, a qualitative evaluation indicates that benefits of the proposed action exceed the costs.

### Action 1 -- ELBs, Alternative 1

If the no action alternative is chosen, no provision for use of ELB software occurs in regulation, so those using it, contemplating adopting its use, or prospective vendors considering supplying competing ELB software to this market must rely solely on the Regional Administrator's approval letter, described earlier (Balsiger, 2002).

### Action 1 -- ELBs, Alternative 2

#### *Benefits*

If the action alternative is chosen, an enhanced regulatory and legal environment would be created for the development, refinement, and use of personal ELB software to create efficient alternatives to DFLs and DCPLs.

This action makes explicit the steps that a potential software vendor would have to take to get its product approved as a substitute means of meeting DFL and DCPL reporting requirements, by NMFS. New vendors would have to take similar steps to get the product approved under current procedures. In the past, one vendor developed trawl catcher vessel ELB software in connection with a NMFS pilot project. In fact, a number of catcher vessels still are voluntarily using this ELB software to fulfill NMFS reporting requirements. From this pilot project, NMFS determined that the ELB could adequately replace the trawl catcher vessel DFL. This action imposes no new requirements. It does publicize and codify the steps involved for future software submissions.

This action also incorporates in regulation the conditions fishing operations must meet to submit reports from the ELB, in lieu of the DFL and DCPL. These conditions are the same for catcher vessels as those contained in the Regional Administrator's letter that currently authorizes use of the catcher vessel trawl ELB. As noted in the RIR, the inactive time reporting requirement has long been required for enforcement purposes in the DFL and DCPL that the ELB is intended to replace. The RIR estimated that placing the inactive report requirement in regulations would add half an hour per year to the time spent on the ELB by a fishing vessel operator *voluntarily* choosing to utilize the approved software, in place of the DFL or DCPL. If the operator's time is valued at \$25/hour (an assumption used in Alaska Region PRA reporting), the annual cost would be \$12.50. This is very small compared to the average gross revenues estimated for catcher vessels and catcher/processors. Furthermore, because the use of an ELB is completely voluntary, the perceived benefit the operator receives from its use must, by definition, exceed

any associated cost, or one would not observe ELB being utilized (*i.e.*, ELB yields a net benefit to the user).

Information from catcher vessel DFLs is not currently submitted to NMFS fisheries management, other than in the form of quarterly copies of logsheets sent to OLE. Information from catcher/processor and mothership DCPLs is submitted to NMFS through weekly production reports and now by eLandings. The DFL and DCPL logsheets are self-carbon paper, which deteriorates with time, making it problematic for obtaining and maintaining information. This action supports the idea of creating ELBs for all of the vessels – catcher vessels, catcher/processors, and motherships. The complete ELB information would be submitted to NMFS upon completion of each trip. This would allow NMFS to have immediate access to vessel position information, multiple-species catch information, and gear and bottom depth, which is information that is very important to NMFS scientists for species studies.

NMFS has determined that use of eLandings, through the Internet, is the primary means of data collection from processors. However, eLandings does not collect all of the information that the catcher/processor and mothership DCPL collect. Therefore, NMFS plans to use files created from ELB software to make up these differences, mainly because an ELB file may be input directly and automatically into the eLandings database.

#### *Costs*

The proposed action would not be expected to have any adverse economic effects on fishery participants using an ELB. These participants are not directly regulated by this proposed action, because they are not required in any way to adopt use of an ELB. Presumably, an operator participating in this completely voluntary reporting program perceives that a net benefit accrues to his or her operation; otherwise one would not observe participation.

This action will not impose costs on fishery management. The Regional Administrator already evaluates and considers permitting the use of ELB software in place of the DFL, upon request. The existing infrastructure to obtain information collected by fishermen using ELBs already exists. NMFS' costs of using logbook information may actually decrease with technological advances in ELB software (*e.g.*, if new vendors enter the marketplace or if more catcher vessel and catcher/processor operations use the software). The simplification of the regulations will make them more accessible and easier to use (*i.e.*, reduce reporting costs).

The proposed regulations may reduce the costs of introducing new ELB software, or of introducing new versions of existing software, by a small amount because the submission requirements would be clearly described in regulations. However, the potential size of this benefit is expected to be small.

#### Action 2 – IERS, Alternative 1.

If the no action alternative is chosen, no provision for use of IERS and eLandings for reporting of groundfish, IFQ halibut, IFQ sablefish, and CDQ halibut would be available.

#### Action 2 – IERS, Alternative 2

If the action alternative is chosen, duplicative reporting of similar information for groundfish, IFQ halibut, IFQ sablefish, and CDQ halibut required by NMFS, ADF&G, and IPHC would be removed.

#### *Benefits*

This action is expected to improve recordkeeping efficiency (*i.e.*, reduce costs) for processors who participate in any combination of fisheries managed by two or more of the three agencies. Currently, processors are required to submit information to the agencies in multiple formats and through multiple avenues. The IERS and eLandings will allow processors to enter, edit, and summarize landings data on a web-based system. The ability to view and edit data over the web is a benefit to processing firms that may be based, for example, in Seattle, Washington, with operating plants in multiple locations in and/or off Alaska. For example, data can be entered at a processing plant in Dutch Harbor and be instantaneously available for review by employees of the plant's parent company in its Seattle office.

The action allows for more timely data submission to the three agencies for management purposes. When data are entered through a web system, catch and production records are available in near real-time for managers. Timely and accurate data entry allows in-season managers to better manage fisheries, resulting in fewer disruptions of the fleets and processors. In addition, the IERS will eliminate much of the manual data entry from paper fish tickets and weekly production reports, and will reduce the risk of lost, misplaced, or delayed acquisition of paper records, transcription errors, etc. All these factors reduce agency costs while improving data quality and timely accessibility.

IERS and its data entry component, eLandings, will improve accuracy of catch and production data. As data are entered into eLandings, complex business rules built into the program check and verify the data. These business rules improve data entry by catching common data entry errors (*e.g.*, incorrect date format), conducting reality check (*e.g.*, landed pounds cannot be a negative number), or validating relationships and permit numbers (*e.g.*, the fishery permit, species, and gear type are an invalid combination).

Data are submitted through eLandings to a single database, accessible by all three agencies. Each agency obtains the appropriate data necessary to manage its programs. The single database results in improved cross-agency compatibility and a more complete and accurate set of fishery information than is gathered under the status quo.

### *Costs*

All the companies affected by the proposed action have access to computers, the Internet, and email, which are the only resources needed to utilize this system. The eLandings software is available free of charge on the Internet. This action, however, will require training of the affected public at a cost.

Training costs for private sector catcher/processors, shoreside processors, SFPs, and IFQ Registered Buyers are summarized in Table 1.7-1, below. Cost estimates are based on NMFS' experience with conducting private training for participants when IERS was implemented in the crab fisheries, on implementation of the SPELR system, and, in general, on NMFS' experience with conducting private training for participants when other electronic reporting programs were implemented (Josh Keaton, NMFS Alaska Region, Inseason Division, pers. comm. April 11, 2006).

NMFS believes the training cost estimates presented in Table 1.7-1 are at the upper end of the range of possible costs, and that \$39,050 is probably a high estimate of the potential private costs of this action. Following standard NMFS PRA practice, hourly costs for training have been estimated to be \$25. The count of firms is the number of work sites using IERS.

**Table 1.7-1 Estimated private costs for training to use IERS**

	Persons	hours	Cost/Hour	Count of firms	Total
Catcher/processor	2	4	\$25	34	\$6,800
Shoreside processor	2	8	\$25	23 (36 plants)	\$14,400
Floating processor	2	8	\$25	3 (6 plants)	\$2,400
IFQ registered buyer	1	3	\$25	206	\$15,450
Totals				<266	\$39,050

Note: the total number of firms is fewer than 266, because of substantial overlap between shoreside and floating processors and registered buyers (many registered buyers may have their landings recorded by an individual processor)

The training time for persons from catcher/processors will be less, because the catcher/processors report on fewer products and report less frequently. IFQ Registered Buyers may have their data input done by the shoreside processor or the SFP to whom they deliver. Other Registered Buyers are fishing operations that expect to market their own product, so training required for these buyers would be substantially less than that required for processors handling a wider range of groundfish and halibut products.

Almost all the public costs for this action (e.g., interagency cooperation, software design, development of data processing and distribution protocols and infrastructure, development of web interfaces, in-house training, etc.), have already been incurred. These may be considered “sunk” costs, and not directly relevant to this specific proposed action.

This action will also create costs for NMFS. Many of the costs of this action have already been incurred (development of eLandings software, preparation of training web site, modifications to internal procedures to use the new data flow, coordination with the ADF&G, and so on). However, NMFS and the ADF&G are expected to incur additional costs to support the public training, as well as to maintain, monitor, and utilize the new data system.

While the calculations above imply about 1,360 hours of private training, the training time support requirements imposed on NMFS and the ADF&G are expected to be considerably less. First, in many instances, particularly during travel to support training, trainers will be working with several trainees at a time. Second, web based training support materials have been prepared, and it is anticipated that much of the training will be conducted in this manner, and therefore is not expected to require a new commitment of staff hours (Josh Keaton, NMFS Alaska Region, Inseason Division, pers. comm. April 11, 2006). Third, the ADF&G and NMFS intend to contract with a private communications firm to provide online assistance to system users (Phil Smith, NMFS Alaska Region, Restricted Access Program, pers. comm., April 11, 2006). As noted above, the estimates of private sector training time requirements are believed to be high.

Provision of about 1,360 hours of training, if done one-on-one with each student, would require a commitment of about 8.5 months of staff time for training support. An estimate for a month of support costs is about \$5,700 for salary and benefits, thus 8.5 months of staff time implies costs of about \$49,000.

Training responsibilities, however, are expected to be shared by NMFS and the ADF&G and for this reason, as well as those discussed above, \$49,000 is believed to be a high estimate of the true cost that would accrue to NMFS for providing training.

NMFS estimates that training will require trips to Kodiak, Dutch Harbor, Sitka, and Seattle to provide on-site training opportunities. Each trip is expected to last a week. Travel and per diem cost estimates are based on one travel day and five working days on each trip. Total costs for NMFS trips, including the trainer's salary, are estimated to be about \$9,000.

As noted above, NMFS and the ADF&G expect to contract with a private communications company to provide on-line support for system users. The cost for this support is expected to be \$150/month. This is expected to be a long-term continuing cost (Phil Smith, NMFS Alaska Region, Restricted Access Program, pers. comm., April 11, 2006). Informed estimates suggest it may be necessary to sustain this support for up to three years. The total contract costs, at \$150/month for three years, has a present value of about \$5,240, when discounted over this period, using a real discount rate of 3 percent, as recommended by OMB guidelines (see Circular A-94, accessed at [http://www.whitehouse.gov/omb/circulars/a094/a94\\_appx-c.html](http://www.whitehouse.gov/omb/circulars/a094/a94_appx-c.html) on April 11, 2006).

A high estimate of public training support costs is, thus, about \$63,000, in discounted present value terms. This cost estimate is believed to be high, because, (a) the use of conservative assumptions makes the private sector training hours high, (b) the private sector training hours are believed to exceed the public time required to support this training by an unknown amount. In addition, although this cost is expected to be shared between ADF&G and NMFS, the resulting reduction in cost to NMFS is not reflected.

#### Action 3 – Permits, Alternative 1.

If the no action alternative is chosen, no amendments for improved enforcement of the permit-related regulations would be implemented.

#### Action 3 – Permits, Alternative 2

If the action alternative is chosen, the revised regulations would provide more understandable text for fishery participants, who may reduce the amount of time required to read and interpret the regulations and reduce consulting and legal expenditures by the fishing industry. The changes may lead to reductions in requests for interpretation by the public, and may, thus, free NMFS staff for other tasks.

#### *Benefits*

Although likely modest, only positive economic impacts are expected to result from this action.

#### *Costs*

Costs, if any, are expected to be *de minimus*.

#### Action 4 – Reorganization, Alternative 1.

If the No action alternative is chosen, the subject regulations would not be reorganized

#### Action 4 – Reorganization, Alternative 2

If the action alternative is chosen, NMFS would reorganize and revise regulations at § 679.5(a) and (c) such that each of the six groundfish logbooks is described in regulatory text separately, completely, and

clearly. This action would make the regulations easier to use for the public. Regulations for processor-completed forms related to logbooks also would be revised and reorganized in this rule.

#### *Benefits*

Although likely modest, only positive economic impacts are expected to result from this action.

#### *Costs*

Costs, if any, are expected to be *de minimus*.

#### Action 5 – IFQ crab landing report and CR Registered Crab Receiver Ex-vessel Volume and Value Report, Alternative 1

If the No action alternative is chosen, the text describing the IFQ crab landing report would not be moved and requirements for the CR Registered Crab Receiver Ex-vessel Volume and Value Report would not be added.

#### Action 5 – IFQ crab landing report and CR Registered Crab Receiver Ex-vessel Volume and Value Report, Alternative 2

If the action alternative is chosen, NMFS would move text describing IFQ crab landing report and add the CR Registered Crab Receiver Ex-vessel Volume and Value Report

#### *Benefits*

Potential benefits from moving text describing the landing report are likely modest, but only positive economic impacts are expected to result from this action.

Potential benefits from use of the CR Registered Crab Receiver Ex-vessel Volume and Value Report would result in only positive economic impacts that result from estimating cost recovery fees based on accurate prices.

Benefits to the Federal Government from receipt of the form would be improved efficiency and accuracy in management of the CR crab program.

#### *Costs*

Costs, if any, are expected to be *de minimus* for movement of the landing report text. Costs per participant for completion of the CR Registered Crab Receiver Ex-vessel Volume and Value Report are estimated to be 2 hours time burden and \$50 in personnel costs plus \$75 for miscellaneous costs, including postage, fax, and photocopying costs. The post-delivery and end of season adjustments to records required for completion of the form are done routinely by the crab industry as part of normal business practice; therefore submittal of this information does not impose significant costs.

#### Action 6 – Groundfish observer transfer, Alternative 1

If the No action alternative is chosen, the revision to the observer regulations would not be made.

#### Action 6 – Groundfish observer transfer, Alternative 2

If the action alternative is chosen, NMFS would revise text describing observer transfers.

Action 6 – At-sea observer transfer prohibited, Alternative 3

If this alternative is chosen, NMFS would prohibit transfer of an observer at sea.

*Benefits*

If alternative 2 is chosen, NMFS would revise a groundfish observer provision regarding vessel-to-vessel transfers by removing “via small boat or raft”. This change would revise the regulatory text regarding any transfer of an observer. The result of this revision would be to increase safety of observer transfers regardless of the method of transfer. The change would also strengthen OLE’s ability to respond to unsafe observer transfer incidents.

If alternative 3 is chosen, NMFS would restrict the transfer of an observer to the dock. This alternative would also increase the overall safety of observers as they would not be put at risk by conducting an at-sea transfer.

*Costs*

If alternative 2 is chosen, potentially increased time to the industry would result from this action, because safety precautions as described in regulations would need to be taken that formerly were not.

If alternative 3 is chosen, greatly increased costs would be realized by the industry due to increased movement of the vessels to pick up or drop off an observer at the dock.

Action 7 – Miscellaneous revisions, Alternative 1

If the no action alternative is chosen, miscellaneous revisions would not be made to the subject regulations.

Action 7 – Miscellaneous revisions, Alternative 2

If the action alternative is chosen, NMFS would amend regulations at § 679.5 and § 680 by adding and revising definitions, adding or correcting cross references, removing obsolete text, adding new text, codifying certain existing practices, and revising figures and tables to § 679.

*Benefits*

Although likely modest, only positive economic impacts are expected to result from this action.

*Costs*

Costs, if any, are expected to be *de minimus*.

## 2.0 Initial Regulatory Flexibility Analysis

### 2.1 Introduction

This Initial Regulatory Flexibility Analysis (IRFA) evaluates a regulatory amendment to:

- allow catcher vessels and catcher/processors operating in the GOA and the BSAI to substitute an ELB for the DFL or DCPL;
- implement regulations for the IERS. The IERS would replace the SPELR for entering groundfish data and replace the IFQ online system for IFQ halibut, CDQ halibut, and IFQ sablefish data entry;
- clarify several sections of regulations that pertain to permits and licenses in the fisheries off Alaska. The proposed minor revisions would improve enforcement of the regulations at 50 CFR part 679, by clarifying and simplifying text, where necessary, such that the regulations are specific, especially regarding permitting issues.
- reorganize and revise § 679.5(a) and (c) such that each of the six groundfish logbooks is described in regulatory text separately, completely, and clearly. Regulations for processor-completed forms related to logbooks also would be revised and reorganized in this rule.
- revise § 680.5 by removing IFQ crab landing report regulations for incorporation into § 679.5 and by adding a new form, CR Registered Crab Receiver Ex-vessel Volume and Value Report.
- amend regulations by adding and revising definitions, adding or correcting cross references, removing obsolete text, adding new text, and codifying certain existing practices in both 50 CFR parts 679 and 680.

This IRFA addresses the statutory requirements of the RFA of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601-612).

### 2.2 The purpose of an IRFA

The RFA, first enacted in 1980, was designed to place the burden on the government to review all regulations to ensure that, while accomplishing their intended purposes, they do not unduly inhibit the ability of small entities to compete. The RFA recognizes that the size of a business, unit of government, or nonprofit organization frequently has a bearing on its ability to comply with a Federal regulation. Major goals of the RFA are (1) to increase agency awareness and understanding of the impact of their regulations on small business, (2) to require that agencies communicate and explain their findings to the public, and (3) to encourage agencies to use flexibility and to provide regulatory relief to small entities. The RFA emphasizes predicting impacts on small entities as a group distinct from other entities and on the consideration of alternatives that may minimize the impacts while still achieving the stated objective of the action.

On March 29, 1996, President Clinton signed the Small Business Regulatory Enforcement Fairness Act. Among other things, the new law amended the RFA to allow judicial review of an agency's compliance with the RFA. The 1996 amendments also updated the requirements for a final regulatory flexibility analysis, including a description of the steps an agency must take to minimize the significant (adverse) economic impacts on small entities. Finally, the 1996 amendments expanded the authority of the Chief



Counsel for Advocacy of the SBA to file *amicus* briefs in court proceedings involving an agency’s alleged violation of the RFA.

In determining the scope or “universe” of the entities to be considered in an IRFA, NMFS generally includes only those entities that can reasonably be expected to be directly regulated by the proposed action. If the effects of the rule fall primarily on a distinct segment, or portion thereof, of the industry (*e.g.*, user group, gear type, geographic area), that segment would be considered the universe for the purpose of this analysis. NMFS interprets the intent of the RFA to address negative economic impacts, not beneficial impacts, and thus such a focus exists in analyses that are designed to address RFA compliance.

Data on cost structure, affiliation, and operational procedures and strategies in the fishing sectors subject to the proposed regulatory action are insufficient, at present, to permit preparation of a “factual basis” upon which to certify that the preferred alternative does not have the potential to result in “significant economic impacts on a substantial number of small entities” (as those terms are defined under RFA). Because based on all available information it is not possible to “certify” this outcome, should the proposed action be adopted, a formal IRFA has been prepared and is included in this package for Secretarial review.

### **2.3 What is required in an IRFA?**

Under 5 U.S.C., Section 603(b) of the RFA, each IRFA is required to contain:

- § A description of the reasons why action by the agency is being considered;
- § A succinct statement of the objectives of, and the legal basis for, the proposed rule;
- § A description of and, where feasible, an estimate of the number of small entities to which the proposed rule will apply (including a profile of the industry divided into industry segments, if appropriate);
- § A description of the projected reporting, recordkeeping and other compliance requirements of the proposed rule, including an estimate of the classes of small entities that will be subject to the requirement and the type of professional skills necessary for preparation of the report or record;
- § An identification, to the extent practicable, of all relevant Federal rules that may duplicate, overlap or conflict with the proposed rule;
- § A description of any significant alternatives to the proposed rule that accomplish the stated objectives of the proposed action, consistent with applicable statutes, and that would minimize any significant adverse economic impact of the proposed rule on small entities. Consistent with the stated objectives of applicable statutes, the analysis shall discuss significant alternatives, such as:
  1. The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities;
  2. The clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities;
  3. The use of performance rather than design standards;

4. An exemption from coverage of the rule, or any part thereof, for such small entities.

## 2.4 What is a small entity?

The RFA recognizes and defines three kinds of small entities: (1) small businesses, (2) small non-profit organizations, and (3) and small government jurisdictions.

Small businesses. Section 601(3) of the RFA defines a “small business” as having the same meaning as “small business concern” which is defined under Section 3 of the Small Business Act. “Small business” or “small business concern” includes any firm that is independently owned and operated and not dominant in its field of operation. The SBA has further defined a “small business concern” as one “organized for profit, with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the U.S. economy through payment of taxes or use of American products, materials or labor...A small business concern may be in the legal form of an individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative, except that where the firm is a joint venture there can be no more than 49 percent participation by foreign business entities in the joint venture.”

The SBA has established size criteria for all major industry sectors in the United States, including fish harvesting and fish processing businesses. A business involved in fish harvesting is a small business if it is independently owned and operated and not dominant in its field of operation (including its affiliates) and if it has combined annual receipts not in excess of \$4.0 million for all its affiliated operations worldwide. A seafood processor is a small business if it is independently owned and operated, not dominant in its field of operation, and employs 500 or fewer persons on a full-time, part-time, temporary, or other basis, at all its affiliated operations worldwide. A business involved in both the harvesting and processing of seafood products is a small business if it meets the \$4.0 million criterion for fish harvesting operations. Finally a wholesale business servicing the fishing industry is a small business if it employs 100 or fewer persons on a full-time, part-time, temporary, or other basis, at all its affiliated operations worldwide.

The SBA has established “principles of affiliation” to determine whether a business concern is “independently owned and operated.” In general, business concerns are affiliates of each other when one concern controls or has the power to control the other or a third party controls or has the power to control both. The SBA considers factors such as ownership, management, previous relationships with or ties to another concern, and contractual relationships, in determining whether affiliation exists. Individuals or firms that have identical or substantially identical business or economic interests, such as family members, persons with common investments, or firms that are economically dependent through contractual or other relationships, are treated as one party with such interests aggregated when measuring the size of the concern in question. The SBA counts the receipts or employees of the concern whose size is at issue and those of all its domestic and foreign affiliates, regardless of whether the affiliates are organized for profit, in determining the concern’s size. However, business concerns owned and controlled by Indian Tribes, Alaska Regional or Village Corporations organized pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601), Native Hawaiian Organizations, or Community Development Corporations authorized by 42 U.S.C. 9805 are not considered affiliates of such entities, or with other concerns owned by these entities solely because of their common ownership.

Affiliation may be based on stock ownership when (1) A person is an affiliate of a concern if the person

owns or controls, or has the power to control 50 percent or more of its voting stock, or a block of stock which affords control because it is large compared to other outstanding blocks of stock, or (2) If two or more persons each owns, controls or has the power to control less than 50 percent of the voting stock of a concern, with minority holdings that are equal or approximately equal in size, but the aggregate of these minority holdings is large as compared with any other stock holding, each such person is presumed to be an affiliate of the concern.

Affiliation may be based on common management or joint venture arrangements. Affiliation arises where one or more officers, directors or general partners control the board of directors and/or the management of another concern. Parties to a joint venture also may be affiliates. A contractor or subcontractor is treated as a participant in a joint venture if the ostensible subcontractor will perform primary and vital requirements of a contract or if the prime contractor is unusually reliant upon the ostensible subcontractor. All requirements of the contract are considered in reviewing such relationship, including contract management, technical responsibilities, and the percentage of subcontracted work.

Small non-profit organizations The RFA defines “small organizations” as any not-for-profit enterprise that is independently owned and operated and is not dominant in its field.

Small governmental jurisdictions The RFA defines small governmental jurisdictions as governments of cities, counties, towns, townships, villages, school districts, or special districts with populations of fewer than 50,000.

## **2.5 What is this action?**

This action is described in detail in Section 1.4 of the attached RIR. This action would improve the methods and procedures of recordkeeping and reporting for the fishery programs of NMFS Alaska Region by expanding electronic reporting methods and by simplifying and clarifying regulations.

In summary, the regulatory changes proposed here:

- implement regulations providing for voluntary use of five types of ELB and establishing requirements for NMFS approval of vendor-supplied ELB software;
- implement regulations establishing mandatory use of the IERS and eLandings for groundfish, IFQ halibut, CDQ halibut, and IFQ sablefish fisheries;
- clarify and simplify regulations regarding permit-related issues;
- reorganize regulations for logbooks, forms, and Internet landing reports;
- add regulations requiring submittal of an annual CR Registered Crab Receiver Ex-vessel Volume and Value Report from CR crab participants; and
- amend regulations by adding and revising definitions, adding or correcting cross references, removing obsolete text, adding new text, and revising figures and tables to part 679.

## **2.6 Objectives and reasons for considering the proposed action**

This action would improve the methods and procedures of recordkeeping and reporting for the fishery

programs of NMFS Alaska Region by expanding electronic reporting methods and by simplifying and clarifying regulations, including observer at-sea transfer regulations. Detailed information on each of the following actions is provided in Section 1.4 of the attached RIR.

### **2.6.1 Replacement of DFLs and DCPLs by electronic logbooks (ELBs)**

This action would clarify the conditions under which ELBs may voluntarily be used by fishery participants and also details the steps future software vendors would need to take to obtain NMFS approval for an equivalent ELB for use by fishermen. These actions are expected to encourage the further development of the market for electronic logbooks by codifying the approved uses of this technology as an alternative to the DFL and DCPL.

### **2.6.2 Interagency Electronic Reporting System (IERS)**

This action would require use of IERS and its data entry component, eLandings, by all processors and IFQ Registered Buyers for recording and reporting information requirements by 2008. The IERS would be used to report commercial fishery landings and production data subsequent distribution to the ADF&G, IPHC, and NMFS. The IERS would replace the current Shoreside Processor Electronic Logbook Report (SPELR) distributed by NMFS for entering groundfish data and replace the NMFS-designed Individual Fishing Quota (IFQ) online system for entering IFQ halibut data, Western Alaska Community Development Quota (CDQ) halibut data, and/or IFQ sablefish information. IERS is a joint project of ADF&G, IPHC, and NMFS.

### **2.6.3 Permit-related revisions**

This action would amend permit-related regulations that pertain to a number of different permits and licenses in various fisheries in Alaska. The proposed minor revisions would improve enforcement of the regulations at 50 CFR part 679, by clarifying and simplifying text, where necessary, such that the regulations are specific, especially regarding permitting issues.

### **2.6.4 Regulatory text reorganization**

This action would reorganize and revise § 679.5(a) and (c) such that each of the six groundfish logbooks is described in regulatory text separately, completely, and clearly. This action would make the regulations easier to use. Regulations for processor-completed forms related to logbooks also would be revised and reorganized in this rule.

### **2.6.5 IFQ crab landing report and CR Registered Crab Receiver Ex-vessel Volume and Value Report**

This action would revise § 680.5 by removing IFQ crab landing report regulations, for subsequent incorporation into § 679.5, in order to place related requirements in one section. The landing report originally was created for CR crab, but now is used for reporting groundfish, IFQ halibut, CDQ halibut, and IFQ sablefish as well.

In addition, this action would improve the accuracy of crab pricing information by adding a requirement for RCRs to submit a CR Registered Crab Receiver Ex-vessel Volume and Value Report. Addition of this form would change the requirement to report the price paid for crab from mandatory to optional on

the IFQ crab landing report. Also, this action would remove a requirement for an RCR who receives a landing of CR crab harvested under the CDQ or Adak community allocation programs to submit for each landing the price per pound. Instead, each RCR would be required to submit a CR Registered Crab Receiver Ex-vessel Volume and Value Report near the end of the crab fishing year. An accurate report of crab value is important for assessing fees for the CR crab fisheries.

### **2.6.6 Groundfish observer transfer**

This action would revise a groundfish observer provision regarding vessel-to-vessel transfers by removing “via small boat or raft”. This change would revise the regulatory text regarding any transfer of observer. The result of this revision would be to increase safety of observer transfers regardless of the method of transfer. The change would also strengthen OLE’s ability to respond to unsafe observer transfer incidents.

### **2.6.7 Miscellaneous revisions to regulations**

This action would amend regulations at §679 and §680 by adding and revising definitions, adding or correcting cross references, removing obsolete text, adding new text, codifying certain existing practices, and revising figures and tables to § 679. This change would remove ambiguity and make the regulations more efficient to use.

## **2.7 Legal basis for the proposed action**

NMFS manages the U.S. groundfish fisheries of the GOA and the BSAI under the Fishery Management Plans (FMPs) for those areas. The Council prepared the FMPs under the authority of the Magnuson-Stevens Act. Regulations implement the FMPs at 50 CFR part 679. General regulations that also pertain to U.S. fisheries appear at subpart H of 50 CFR part 600. Management of the halibut fishery in and off Alaska is based on an international agreement between Canada and the United States and is given effect by the Northern Pacific Halibut Act of 1982.

## **2.8 Number and description of small entities directly regulated by the proposed action**

### **2.8.1 Replacement of DFLs and DCPLs by electronic logbooks (ELBs)**

The participants associated with this aspect of the proposed action include catcher vessels, catcher/processors, and motherships described below. Under this action, these entities may *voluntarily* report groundfish electronically, using the ELB software.

## 2.8.2 Interagency Electronic Reporting System (IERS)

The directly regulated entities associated with this aspect of the proposed action include shoreside processors, stationary floating processors, catcher/processors, and motherships currently using the SPELR electronic reporting program. Under this action, these entities will be required to report electronically, using the IERS software in an interagency electronic reporting system

### *Catcher/processors*

In 2004, there were 65 catcher processors with gross revenues in excess of \$4 million, and 18 catcher/processors with gross revenues less than \$4 million (estimates supplied by the Alaska Fisheries Science Center). There were, thus, an estimated 18 small entities among the catcher/processor sector. These estimates do not take account of affiliations among catcher/processors, and they do not take account of revenues earned outside of the waters off Alaska, therefore they may overstate the true number of small catcher/processors directly regulated by this action. Two of the small catcher/processors will be required by this action to start reporting using IERS. These vessels appear on the list of vessels currently voluntarily using electronic reporting, and on the Alaska Fisheries Science Center list of small catcher/processors.

The small catcher/processors were predominately hook-and-line vessels (14 out of 18), although there were also a few small pot (two) and trawl (three) catcher/processors. Small catcher/processors operating off Alaska earned an average of \$2.6 million in 2004, from all fishing activity in the EEZ off Alaska, and in the waters of the State (estimate supplied by the Alaska Fisheries Science Center).

### *Shoreside processors*

IERS requirements will be imposed on 24 firms operating 36 shoreside processing plants. NMFS estimates that 13 of these firms, operating 14 plants, are “small entities” according to the SBA criteria. The SBA standard for shoreside processors is 500 or fewer employees “on a full-time, part-time, temporary, or other basis, at all its affiliated operations worldwide.” Estimated numbers of employees were based on a firm’s and/or plant’s *assumed* affiliations with known entities of very large size (e.g., multi-national corporations). This procedure may overestimate the number of small entities, because of missing information about firm and plant affiliations.<sup>5</sup>

### *Stationary floating processors*

Six SFPs are slated to implement IERS under this action. The SBA standard for this category of operations is identical to the onshore plant criterion, just cited. Estimated entity size for each of the six was based on a firm’s and/or plant’s *assumed* affiliations with known entities of very large size (*i.e.*, presumed to have >500 employees). This procedure may overestimate the number of small entities, because of missing information about firm and plant affiliations. However, in this case, these floating processors are owned and operated by three separate firms, each of which is itself believed to be large, based upon SBA employee count criteria.

### *IFQ registered buyers*

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<sup>5</sup> Actual employee counts, or other employment data through which such counts might be derived, are not collected by any Federal, State, or local authority from which NMFS may obtain this information.

Two hundred and six (206) IFQ registered buyers are expected to begin to use IERS to record their halibut IFQ deliveries under provisions of this action. An examination of the names of the registered buyers suggests that at least 22 are entities that are large under the SBA criteria (*i.e.*, processors subject to the 500 employee SBA criterion). The remaining registered buyers appear to be small shoreside firms or fishing operations. Thus, 184 registered buyers are estimated to be small for IRFA purposes. This is likely to be an overestimate of the number of small entities among the registered buyers directly regulated by adoption of the IERS, because many are affiliated with a shoreside processor or stationary floating processor, which will do the IERS reporting.

### **2.8.3 Permit-related revisions**

For the purposes of RFA analyses, a business involved in fish harvesting is a small business if it is independently owned and operated and not dominant in its field of operation (including its affiliates) and if it has combined annual receipts not in excess of \$4.0 million for all its affiliated operations worldwide. The information necessary to determine if a vessel is independently owned and operated and had gross earnings of less than \$4.0 million is not readily available. However, by using estimates of Alaska groundfish revenue<sup>6</sup> by vessel, it is possible to identify vessels that clearly are not small entities.

In 2004, of 913 catcher vessels participating in groundfish fisheries, 906 catcher vessels were considered small entities. Of 83 catcher/processors participating in groundfish fisheries that same year, 18 were considered small entities.

Six CDQ groups, representing the 65 Western Alaska communities, currently participate in the CDQ Program. Each is organized as a not-for-profit entity, and none is dominant in its field. Consequently, each is a small entity under the RFA. Several CDQ groups own, in whole or in part, and operate vessels participating in the CDQ fisheries. Because CDQ groups must obtain permits for their vessels, the six CDQ groups also would be directly regulated by the proposed rule.

A shoreside processor is a small entity for RFA purposes if it employs fewer than 500 people in any capacity in all of its combined operations worldwide. In 2005, of 89 shoreside processors participating in groundfish fisheries, 80 shoreside processors were categorized as small entities. In that same year, 3 of 8 SFPs were assumed to be small entities.

Therefore, this action could directly regulate up to 1,013 small entities. Several factors in the estimation process could cause this estimate to be inaccurate. The approach used to enumerate small entities may overestimate their actual number, because fish ticket data for inshore deliveries, such as to buying stations, are not available for all deliveries; income from other fisheries, such as salmon and halibut, and from other vessel activities (*e.g.*, tendering) are not reflected in the total gross revenue data; and data on affiliations among catcher vessels and among vessels and processors are not available.

### **2.8.4 Regulatory text reorganization**

The participants associated with this aspect of the proposed action include shoreside processors, SFPs, catcher/processors, motherships, and catcher vessels. This action is administrative and will have only indirect effects or no significant effect on the participants.

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<sup>6</sup> Hiatt, Terry (2005) personal communication. Economic and Social Sciences Research Program. Resource Ecology and Fisheries Management Division, Alaska Fisheries Science Center, NMFS, Seattle, WA.

## **2.8.5 IFQ crab landing report and CR Registered Crab Receiver Ex-vessel Volume and Value Report**

The movement of regulatory text from § 680.5 to § 679.5(e) is administrative and will have only indirect effects or no significant effect on the participants. This change would produce positive effects because the participant would need to look only in one set of regulations for guidance.

The participants associated with the CR Registered Crab Receiver Ex-vessel Volume and Value Report aspect of the proposed action are approximately 30 RCRs required to submit an annual CR Registered Crab Receiver Ex-vessel Volume and Value Report. .

## **2.8.6 Groundfish observer transfer**

The participants associated with this aspect of the proposed action include catcher/processors, motherships, and catcher vessels. This action will have only indirect effects or no significant effect on the participants.

## **2.8.7 Miscellaneous revisions to regulations**

The participants associated with this aspect of the proposed action include shoreside processors, SFPs, catcher/processors, motherships, and catcher vessels. This action is administrative and will have only indirect effects or no significant effect on the participants.

## **2.9 Adverse impacts on directly regulated small entities**

### **2.9.1 Replacement of DFLs and DCPLs by electronic logbooks (ELBs)**

Overall, the preferred alternative under this element of the proposed action would have no known adverse impacts on the profitability or competitiveness of small regulated entities.

### **2.9.2 Interagency Electronic Reporting System (IERS)**

Overall, the preferred alternative under this element of the proposed action would have only minor adverse impacts. The potential adverse economic impacts of this action were described in Section 1.7 of the RIR. Private firms subject to this requirement will have to maintain trained staff, capable of using the new software tool for all catch and production reporting. Table 2.9-1, below, is based on Table 1.7-1, which provided estimates of training costs for catcher/processors, shoreside processors, and stationary floating processors. Table 2.9-1 has been modified so that it only includes cost estimates for *assumed* small entities, as described in this section. Average costs are about \$100 per firm, for the small entities in the regulated sectors. This is a “one time”, nonrecurring cost. Total small entity training costs, for all those directly regulated by this action, are estimated to be about \$21,200.



**Table 2.9-1 Estimated small entity costs for training to use IERS**

	<b>Persons</b>	<b>hours</b>	<b>Cost/Hour</b>	<b>Count of firms</b>	<b>Total</b>
<b>Catcher/processor</b>	2	4	\$25	2	\$400
<b>Shoreside processor</b>	2	8	\$25	13 (14 plants)	\$5,600
<b>Floating processor</b>	2	8	\$25	0	\$0
<b>IFQ registered buyers</b>	1	3	\$25	184	\$13,800
<b>Totals</b>				<b>200</b>	<b>\$19,800</b>

**2.9.3 Permit-related revisions**

Overall, the preferred alternative under this element of the proposed action would have no known adverse impacts on the profitability or competitiveness of small regulated entities.

**2.9.4 Regulatory text reorganization**

Overall, the preferred alternative under this element of the proposed action would have no known adverse impacts on the profitability or competitiveness of small regulated entities.

**2.9.5 IFQ crab landing report and CR Registered Crab Receiver Ex-vessel Volume and Value Report**

Overall, the preferred alternative under this element of the proposed action would have no known adverse impacts on the profitability or competitiveness of small regulated entities.

**2.9.6 Groundfish observer transfer**

Overall, the preferred alternative under this element of the proposed action would have no known adverse impacts on the profitability or competitiveness of small regulated entities.

**2.9.7 Miscellaneous revisions to regulations**

Overall, the preferred alternative under this element of the proposed action would have no known adverse impacts on the profitability or competitiveness of small regulated entities.

**2.10 Recordkeeping and reporting requirements**

The IRFA should include “a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities that will be subject to the requirement and the type of professional skills necessary for preparation of the report or record...”

The analysis did not identify any new “projected reporting, record keeping and other compliance requirements” associated with the proposed FMP amendment and regulatory changes.

The ELB regulation does not impose new recordkeeping or reporting requirements on any directly regulated small entity, because use of NMFS approved ELB software is completely voluntary.

The IERS regulation does impose new methods of recordkeeping or reporting requirements on the directly regulated small entities. IERS is a joint project of ADF&G, IPHC, and NMFS. Firms currently using electronic reporting will be required to switch to the new IERS and eLandings software. The content of the information and statistical data that will be required under the proposed action does not differ from existing requirements. The change is solely intended to reduce the burden on the fishing and processing sectors of unnecessary, duplicative data submissions, while assuring high quality, timely data acquisition to facilitate effective management of the public fish resources.

The permits, reorganization, revisions to § 680, and miscellaneous regulations changes proposed in this action do not impose new recordkeeping or reporting requirements on any directly regulated small entity. They do, however, clarify and simplify existing recordkeeping and reporting requirements.

All of the proposed revisions in the preferred alternatives are related to clarifying and simplifying the regulations.

The professional skills that are necessary to prepare and submit the forms required include:

- (1) The ability to read, write, and understand English,
- (2) The ability to use computer and communications equipment,
- (3) Knowledge of the participant’s fishing activities, including quota, and
- (4) The authority to sign and submit documents to NMFS on behalf of the participant.

These responsibilities generally are fulfilled by a member of the participant’s administrative staff.

The professional skills necessary for a participant to maintain a copy of the permit onboard the vessel or at the facility include:

- (1) The ability to read or understand verbal instructions in English, and
- (2) The organizational skills necessary to receive a document and maintain it in good, readable condition in a place on the vessel, or at the plant, where it can be retrieved if requested by the USCG or OLE officer.

## **2.11 Federal rules that may duplicate, overlap, or conflict with proposed action**

An IRFA should include “An identification, to the extent practicable, of all relevant Federal rules that may duplicate, overlap or conflict with the proposed rule...”

This analysis did not reveal any Federal rules that duplicate, overlap, or conflict with the proposed action.

## **2.12 Description of significant alternatives**

An IRFA should include “A description of any significant alternatives to the proposed rule that accomplish the stated objectives of the Magnuson-Stevens Act and any other applicable statutes and that would minimize any significant (implicitly adverse) economic impact of the proposed rule on small entities.”

### **2.12.1 Replacement of DFLs and DCPLs by electronic logbooks (ELBs)**

A no-action alternative was considered, but rejected, because it did not meet the action objective of creating a better regulatory environment for the introduction and use of ELB software for compliance with NMFS reporting requirements.

The preferred alternative would allow participants to voluntarily use an ELB instead of a DFL or DCPL, but would not require firms to encounter additional costs, because all processors participating in Federal fisheries have access to a computer. An early version of this analysis included a provision requiring that fishing operations using the ELB software file a report with NMFS within 24 hours of delivering their product. This provision was eliminated from the alternatives following industry consultations during the preparation of the IRFA. The provision was expected to impose an undue burden on operations that were using the software voluntarily and perhaps slow its adoption rate. An examination of existing response rates indicated that about 32 percent of these reports have been received by NMFS within 24 hours of the landing, and about 73 percent have been received within 48 hours of the landing.<sup>7</sup> The preferred alternative eliminates the potential adverse economic burden on directly regulated small entities, identified in the alternative referenced immediately above.

### **2.12.2 Interagency Electronic Reporting System (IERS)**

The status quo alternative, if retained, would not require firms to begin using IERS for Federal reporting purposes. However, since State regulations will require firms to begin reporting harvests delivered in-state, using the IERS system, retention of the status quo alternative would be of no advantage to small entities. Indeed, these small entities could be in the position of having to conform to two separate reporting standards. Moreover, a significant proportion of the harvest from Federal waters is delivered to onshore or inshore processors, who would be using the IERS to input these records, in any event.

The preferred alternative would require processors to use IERS and eLandings to report data from Federal fisheries, but would not require firms to encounter additional costs, because all processors participating in Federal fisheries have access to a computer and to the Internet. IERS is a joint project of ADF&G, IPHC, and NMFS. If NMFS adopted an alternative system, confusion would result for the fishing industry and industry costs would be increased. Additional alternatives in this instance would compromise our ability to meet the objectives of the action. Because the costs of this action are minor, it would be hard to identify alternatives with significant cost savings.

### **2.12.3 Permit-related revisions**

A no-action alternative was considered, but was rejected because it did not meet the action objective of

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<sup>7</sup> Query of ELB data base in Alaska Region by Steve Kocsis (NMFS-AKR-SF) on 1-12-05.

creating a better regulatory environment (*i.e.*, readily accessible, unambiguous, efficient) for the public concerned with permit-related issues.

#### **2.12.4 Regulatory text reorganization**

A no-action alternative was considered, but was rejected because it did not meet the action objective of creating a better regulatory environment (*i.e.*, readily accessible, unambiguous, efficient) for the participants in Federal fisheries.

#### **2.12.5 IFQ crab landing report and CR Registered Crab Receiver Ex-vessel Volume and Value Report**

A no-action alternative was considered for movement of regulatory text, but was rejected because it did not meet the action objective of creating a better regulatory environment (*i.e.*, readily accessible, unambiguous, efficient) for the participants in Federal fisheries.

Another alternative no-action alternative was considered for the addition of a new form, but was rejected because it did not meet the action objective of providing maximum accuracy of pricing information for use in calculation of a “standard price” for fee recovery.

#### **2.12.6 Groundfish observer transfer**

A no-action alternative was considered, but was rejected because it did not meet the action objective of creating a safe transfer environment for a groundfish observer.

Another alternative, a prohibition of at-sea observer transfers, was considered, that would create a safer transfer environment for a groundfish observer, but was rejected, because of increased cost in time and money for the participant

#### **2.12.7 Miscellaneous revisions to regulations**

A no-action alternative was considered, but was rejected because it did not meet the action objective of creating a better regulatory environment (*i.e.*, readily accessible, unambiguous, efficient) for the participants in Federal fisheries.

There are no significant alternatives to the proposed rule that accomplish the stated objectives, that are consistent with applicable statutes, and that would minimize the economic impact of the proposed rule on small entities. No significant adverse economic impacts are believed to be associated with this action.

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## APPENDIX – Proposed Changes to Regulations

### Amendments to § 679.2

This action proposes to amend § 679.2 by adding new definitions and revising existing definitions. Technical revisions include additions of cross-references, updated definitions to include the new eLandings and IERS, corrections, or abbreviations. Some proposed changes mean there are new requirements or existing requirements would be changed. These measures are explained further in Table 1. Table 1 summarizes changes to § 679.2.

Table 1. Section 679.2 – Definitions	
Definition	Reason for change
“Associated processor”	to describe two different mothership and catcher/processor relationships: with a buying station and a custom processor. A second “associated processor” definition would be added for purposes of eLandings to describe a relationship with a custom processor. The heading " <u>Relationship with a buying station</u> " would be added to the current definition. In addition "a federally permitted mothership, shoreside processor, or stationary floating processor" would be revised to say "a mothership or catcher/processor issued an FFP or a shoreside processor or SFP issued an FFP." This would provide an accurate permit description.
"At-sea operation"	to translate the Federal categories of “catcher/processor” and “mothership” to an eLandings operation type of “at-sea” for the purpose of eLandings processor registration.
“Authorized distributor”	to remove “food bank distributors” and replace with “food bank distributors (see § 679.26 Prohibited Species Donation Program).” This would provide a cross reference to the section that describes the food bank program [found in REMOVE/ADD Table].
“Authorized fishing gear”, paragraph (14)(iii) under “pelagic trawl gear”	to remove “paragraph (10)(ix)” and replace with “paragraph (14)(ix)”. This change would correct the paragraph reference [found in REMOVE/ADD Table].
“Authorized fishing gear”, paragraphs (14)(iv) and (14)(v) under “pelagic trawl gear”	to remove “paragraph (10)(iii)” and by adding in its place “paragraph (14)(iii).” This change would correct the paragraph reference [found in REMOVE/ADD Table].
“Basis species”	to remove “authorized to harvest” and replace with “authorized to harvest (see Tables 10 and 11 to this part).” This change would add a cross reference to Tables 10 and 11 which list basis species [found in REMOVE/ADD Table].
“Catcher vessel”	to add the abbreviation, CV. This would define the abbreviation that is used frequently in the regulatory text [found in REMOVE/ADD Table].
“Catcher/processor”	to add the abbreviation, C/P. This would define the abbreviation that is used frequently in the regulatory text [found in REMOVE/ADD Table].
"eLandings"	to add the name of the data entry component of the interagency electronic reporting system for commercial harvest and production of groundfish, halibut, and crab.

Table 1. Section 679.2 – Definitions	
Definition	Reason for change
“Endorsement”, paragraphs (1) and (2)	to remove “LLP permits” and replace with “LLP licenses”. This would correct the text to use the proper term. [found in REMOVE/ADD Table].
“gear deployment (or to set gear)”	to remove the defining text and replace with a cross reference to § 679.5(c)(3)(vi)(B) and § 679.5(c)(4)(vi)(B). This would place gear information in related logbook sections.
“gear retrieval (or to haul gear)”	to remove the defining text and replace with a cross reference to § 679.5(c)(3)(vi)(C) and § 679.5(c)(4)(vi)(C). This would place gear information in related logbook sections.
“Haul”	to replace the current definition, which is a simple cross-reference to the definition for “gear retrieval”, and redefine “haul” to include a variety of gear retrievals. Further, for enforcement purposes, the definition would state that each time gear is hauled for any reason the haul be numbered.
"Interagency electronic reporting system (IERS)"	to add the name of the electronic reporting system through which processors would report groundfish, crab, halibut, and sablefish landings on the eLandings website ( <a href="http://www.elandings.alaska.gov">http://www.elandings.alaska.gov</a> ) to satisfy data requirements of NMFS, ADF&G, and International Pacific Halibut Commission (IPHC).
“Maximum retainable amount (MRA)”	to add this term. This term and abbreviation are used in several places in the regulations at 50 CFR part 679; however, MRA is explained at § 679.20(e).
“Non-IFQ groundfish”	to identify which sablefish program is being addressed. Sablefish belong to two management programs; groundfish and IFQ sablefish. Sablefish harvested with trawl gear or in the CDQ Program are non-IFQ groundfish.
“Non-individual entity”	to add this term to describe any type of entity other than a natural or human entity
“Permit”	to explain that the terms “permit, license, card, and any endorsement placed on a license, card, or permit,” are synonymous and have the same legal authority as “permit”.
“Prohibited species”	to remove “regulated under this part” and replace with “issued an FFP under § 679.4(b)” [found in REMOVE/ADD Table].
"Prohibited species catch (PSC)"	to state that “PSC” means any of the species listed in Table 2b to part 679.
“Shoreside processor electronic logbook report (SPELR)”	to add definition for SPELR and to indicate that SPELR is superseded by IERS.
“Single geographic location (see § 679.4(l)(5)(iii))”	to add a cross reference to indicate where more information on this term may be found.
“Stationary floating processor”	to add the abbreviation, SFP, to the definition [found in REMOVE/ADD Table].
“Tender vessel (see also “buying station”)”	to add “or shellfish” after “fish” to broaden this definition to include shellfish. Specific processor types would be removed and replaced with “associated processor” to indicate that a prior arrangement or association must take place with a processor before transport, primarily for purposes of recordkeeping and reporting.



Definition	Reason for change
"User"	to add a term to describe those participants required to or authorized to use IERS and eLandings.
"User identification (UserID)"	to add a term to describe the meaning and purposes of IERS and eLandings identification of a fishery participant.
"Vessel operations category"	to correct the cross reference [found in REMOVE/ADD Table].
"Week-ending date"	to establish "week-ending date" currently found in § 679.5(a)(6)(iii)(B) as a definition. Making it a definition makes the term more accessible.

### Permit-related Revisions

Section 303(b)(1) of the Magnuson-Stevens Act authorizes the Secretary to require permits for fishing vessels, operators, and processors participating in fisheries conducted under FMPs. Permit identification of the participants and expected activity levels are needed to measure the consequences of management controls and are an effective tool in the enforcement of other fishery regulations. Experience has shown that fines for violations of specific fishery regulations are not as effective as the threat of a permit revocation that would exclude the participant from the fishery altogether. NMFS proposes to create a better regulatory environment to improve compliance with the requirements of each permit, while at the same time facilitating prosecution of cases.

These proposed regulatory amendments would provide uniform language and would revise permit-related regulations governing fishing activities in FMP fisheries in the GOA and BSAI. Most of the proposed measures are technical in nature and do not change existing requirements. Other proposed measures would require new data in a permit application and ensure applicants are qualified for the permit. Several proposed measures would describe how to amend permits to reflect new holder information. For other proposed measures, this administrative action is necessary to simplify these regulations through minor regulatory text revisions. NMFS has never provided a formal process for surrendering a permit. Consequently, this action would also describe which permits can be surrendered and the process for surrender. Table 2 summarizes those changes.

Paragraph under § 679.4	Reason for change
(a)(1)(i)(A)	to remove "Until next renewal cycle." and replace with "Until expiration date shown on permit." This would describe NMFS' existing IFQ permit renewal practice as described in paragraphs (b)(4)(i) and (f)(4)(i) [found in REMOVE/ADD Table].
(a)(1)(vii)(C)	to add text regarding the Scallop license that was inadvertently omitted in previous rules.
(a)(3)(i)	to state that the permit applications may also be completed onscreen from the NMFS Alaska Region home page. The GPEA encourages the use of electronic access to forms and information. NMFS is working towards increasing the numbers of participants in Alaska fisheries who use computers and the Internet to access needed forms.

Paragraph under § 679.4	Reason for change
(a)(3)(iii)	to add “applicant” to the description of entities who must obtain separate permits, which presently are vessels, processors, and buying stations and change the regulation focus from “applications” to “permits”. Adding “applicant” and refocusing the regulation would require that separate applicants must have separate permits. The existing regulation text may be misleading because an applicant may believe that one application may suffice to obtain a permit for one vessel when in fact more than one permit may be required.
(a)(4)	to amend a permit through submittal of an application. This paragraph would be removed and the contents integrated into the FFP and the FPP sections and revised.
(a)(9)	to establish formal procedures for voluntary surrender and reissue of all permits. It would describe permits that may not be surrendered; permits that are surrendered permanently; permits that are surrendered for a fishing year; and permits that are surrendered and regained during a fishing year.
(b) heading	to add the abbreviation (FFP) after the title. This would be necessary to identify the meaning of the abbreviation, which is used many times in the regulatory text.
(b)(2)	to describe the requirement that the owner obtain the permit rather than the vessel obtain the permit. This also would replace the incorrect term “bycatch” with the correct term “incidental catch.”
(b)(3)	to simplify how a submitter describes vessel operations categories. This would remove paragraphs (b)(3)(i) through (iv) and add in their place “An FFP authorizes a vessel owner to deploy a vessel to conduct operations in the GOA or BSAI under the following categories: catcher vessel, catcher/processor, mothership, tender vessel, or support vessel. A vessel may not be operated in a category other than as specified on the FFP.”
(b)(4)(i)	to add the heading “ <u>Length of permit effectiveness</u> ”, to correct the duration of the FFP, and to add information about surrender of a permit. This would remove “from the date of issuance through the end of the current NMFS 3-year cycle” and replace with “from the effective date through the expiration date”. This would also add a cross reference to the new permit surrender paragraph (a)(9). This would replace “Federal fisheries permit” with the abbreviation “FFP”.
(b)(4)(ii)	to add the heading “ <u>Surrendered permit</u> ”, provide that an owner or agent may surrender the permit, and where to send it. In addition, it would revise the requirement to send the returned permit by some method, such as certified mail, that provides evidence that NMFS received the permit. This would replace “Federal fisheries permit” with the abbreviation “FFP”
(b)(4)(iii)	to add the heading “ <u>Amended permit</u> ” and to describe amending a permit when any change occurs in permit information. Although the information was requested on the application, the information request does not have regulatory support. Paragraph (a)(4) would be revised and renumbered as paragraph (b)(4)(iii).
(b)(5) heading	to revise the heading to read “ <u>Contents of FFP application</u> ”, rather than “ <u>How do I obtain a Federal fisheries permit?</u> ” This would provide an accurate heading for the accompanying regulatory text.

Paragraph under § 679.4	Reason for change
(b)(5)(ii)	to replace “owner, and the name” with “owner; and if applicable, the name” to indicate that the name of an additional person is not required if not applicable [found in REMOVE/ADD Table].
(b)(5)(iii)	to remove items that are no longer requested on the permit application [found in REMOVE/ADD Table].
(b)(5)(iv)	to remove “Indicate requested/elected area(s) of operation. If a catcher/processor and/or a catcher vessel, the gear types used for groundfish fishing. If a mothership or catcher/processor operating in the GOA, choose inshore or offshore component. ” and add in its place “If catcher/processor or catcher vessel, indicate only the gear types used for groundfish fishing. If the vessel is a catcher/processor under 125 ft (18.3 m) LOA that is intended to process GOA inshore pollock or GOA inshore Pacific cod, mark the box for a GOA inshore processing endorsement.” This revision would state which vessels have the choice of having GOA pollock and cod harvest accrued to either the inshore or offshore allocation component.
(b)(5)(vi)(C)	to formalize a permit application process and eliminate errors and confusion when no process is provided. This would require that species endorsements be changed or removed by submitting an FFP application.
(d)(1)(i), (d)(2)(i), (d)(3)(i), (d)(3)(iv), and (e)(2)	to add surrender of a permit to the events that would interrupt a normal issuance permit cycle by removing “suspended, or modified” and adding in its place “suspended, surrendered under paragraph (a)(9) of this section, or modified” [found in REMOVE/ADD Table]. “Surrender” must be added to this provision because it would, as does a permit suspension or modification, require holders to submit new applications should they desire to hold the permit once again.
(f) heading	to add the abbreviation “FFP” after the title, because this abbreviation is used frequently in the text and should be defined.
(f)(2)	to revise heading to read “ <u>Contents of FFP application</u> ” rather than “ <u>How do I obtain a Federal processor permit?</u> ” This revision would create an accurate heading. This revision would also replace “Federal processor permit” with “FFP” and “stationary floating processor” with “SFP” wherever they appear in order to save space.
(f)(2)(i)	to revise heading to read “ <u>New or amended permit</u> ” rather than “ <u>Permit application information</u> ”. The revision would also require applicant indication of whether application is for a shoreside processor or an SFP.
(f)(2)(ii)	to replace “owner, and the name” with “owner; and if applicable, the name” to indicate that the name of an additional person is not required if not applicable [found in REMOVE/ADD Table].
(f)(2)(iii)	to revise heading to read “ <u>SFP information</u> ” rather than “ <u>Stationary floating processor information</u> ”; remove “and whether this vessel will be used as a stationary floating processor”, because it is redundant with the heading “ <u>SFP</u> .” Add “whether choosing to receive a GOA inshore processing endorsement. A GOA inshore processing endorsement is required in order to process GOA inshore pollock and GOA inshore Pacific cod”.

Paragraph under § 679.4	Reason for change
(f)(2)(iv)	to simplify the text. The order of the data elements in this paragraph would be re-arranged to match the order on the application. The phrase “processing businesses” would be used instead of “processors.” The word “permanent” would be added before “business address.” The word “facility” would be replaced by “plant”.
(f)(2)(v)	to shorten the regulatory text by removing “stationary floating processor” and by adding in its place “SFP”.
(f)(4)(i)	to add heading “ <u>Length of permit effectiveness</u> ”; to remove “in effect from the date of issuance through the end of the current NMFS 3-year cycle” and replace it with “in effect from the effective date through the date of permit expiration”; and remove “suspended, or modified” and by adding in its place “suspended, surrendered under paragraph (a)(9) of this section, or modified.”
(f)(4)(ii)	to formalize the surrender process to: add the heading “ <u>Surrendered permit</u> ”; state that an owner or agent may surrender the permit, and where to send it. In addition, it would revise the requirement to send the returned permit by some method, such as certified mail, that provides evidence that NMFS received the permit. Also, this would replace “Federal processor permit” with the abbreviation “FPP”.
(f)(4)(iii)	to add the heading “ <u>Amended permit</u> ” and to describe amending a permit when any change occurs in permit information. Although the information was requested on the application, the information request does not have regulatory support. This paragraph would be derived from information originally found at paragraph (a)(4).
(k) heading	to add the abbreviation “LLP” after the words “license limitation” [found in REMOVE/ADD Table].
(k)(5)(iv)	to correct the time designation for the LLP qualifying fishing history by removing “Pacific time” and adding in its place “Alaska local time” [found in REMOVE/ADD Table].
(l)(1)(iv)	to add a procedure for making changes in vessel ownership information on certain permits. Although American Fisheries Act (AFA) vessel and processor permits are no longer available, vessel and processor ownership can change. Thus, information on existing permits must reflect the change. This revision would remove paragraphs (l)(1)(iv)(A) and (B) and replace that text with a process which allows the participant to submit a letter notifying NMFS of any changes in vessel ownership.

### Paper Logbooks and Forms

NMFS’ R&R regulations require participants in groundfish fisheries to record daily fisheries harvest and processing activities in one of six different groundfish logbooks. Processors also complete a weekly production report (WPR) summarizing the logbook entries. The R&R system also requires groundfish discards and prohibited species to be recorded and reported. Logbooks with two unique formats are available for three types of harvesters (longline gear, pot gear, and trawl gear) and three types of processors (catcher/processor, mothership, and shoreside processor). To minimize the recordkeeping costs associated with fishery management requirements, the logbooks are designed to provide a

convenient method to enter information that serves the fishing industry business needs and NMFS data collection requirements. Vessels under 60 ft (18.3 m) length overall (LOA) are not required to maintain logbooks. The R&R system of logbooks and forms allows fish tracking from harvest, through processing, to fish product transfer.

This action would remove the term “combined groundfish/IFQ logbook” from the regulations. To explain historically, this term came into being when NMFS Alaska Region and IPHC collaborated to combine the data elements of four separate logbooks (2 for NMFS, 2 for IPHC) into two logbooks (catcher vessel longline and pot gear DFL and catcher/processor longline and pot gear DCPL). Now that crab pot gear fishermen use this same logbook to record crab harvest in CR fisheries starting in 2005, logbook titles are more appropriately referred to by type of gear.

NMFS proposes to remove § 679.5(a), which presents R&R requirements by topic, and instead to codify all logbook recordkeeping requirements in four separate, complete sections. All of the material currently found at § 679.5(a)(1) through (a)(14) would be removed and redistributed to the new logbook sections at § 679.5(c). Most of the proposed revisions are technical.

This action proposes to reorganize § 679.5 so that each of the six groundfish logbooks is described separately, completely, and clearly (see Tables 6 through 9 for further explanation). Several forms also would be reorganized in this rule. Table 3 summarizes the changes for § 679.5 that address general responsibilities in paragraph (a) and certain technical revisions to paragraphs (b), (g), (h), (i), (l), (m), (n), and (p).

Paragraph under § 679.5	Derived from § 679.5 unless specified otherwise	Reason for change
(a)		removed; information would be integrated into paragraph (c).
(a) heading	new	added to read “ <u>General requirements</u> ”.
(a)(1) heading	new	added to read “ <u>Logbooks and forms</u> ”.
(a)(1)(i) and (a)(1)(ii)	(a)(3)(i)	to add information describing electronic access and submittal of forms, to provide the address for the NMFS Alaska Region website from which forms may be downloaded, and to require submitters to use the most current forms and logbooks.
(a)(1)(iii)	(a)(7)(xv)	to provide a reference paragraph with a table that describes management programs. Other paragraphs in the regulatory text would refer to this table rather than duplicate the information. Also, the AFA Program and IFQ Program would be removed from this paragraph and table because these programs are recorded through different means in the logbooks and forms. In addition, “Open Access (OA)” would be added as a program used in eLandings only.
(a)(2)(i)		to add “SFP” after “shoreside processor” in two places. This would correct an inadvertent omission in the regulations.
(a)(2)(ii)		to replace “stationary floating processor” with “SFP” to save space and to correct the cross reference.

Table 3. Section 679.5 [except paragraphs (c), (d), (e), and (f)] – Recordkeeping and Reporting.		
Paragraph under § 679.5	Derived from § 679.5 unless specified otherwise	Reason for change
(a)		removed; information would be integrated into paragraph (c).
(a) heading	new	added to read “ <u>General requirements</u> ”.
(a)(1) heading	new	added to read “ <u>Logbooks and forms</u> ”.
(a)(1)(i) and (a)(1)(ii)	(a)(3)(i)	to add information describing electronic access and submittal of forms, to provide the address for the NMFS Alaska Region website from which forms may be downloaded, and to require submitters to use the most current forms and logbooks.
(a)(3)	(a)(1)(ii)(A) through (a)(1)(ii)(C)	to add heading “ <u>Fish to be recorded and reported</u> ” and to remove duplication among the paragraphs. This paragraph would describe the fish that are required to be recorded and reported.
(a)(4) heading	new	to read “ <u>Exemptions</u> ”.
(a)(4)(i)	(a)(1)(iii)(A)	to add heading “ <u>Catcher vessels less than 60 ft (18.3 m) LOA</u> ”, to change the wording from passive to active voice, and to provide R&R compliance exemption to the owner or operator rather than to the vessel.
(a)(4)(ii) heading	(a)(1)(iii)(B)	to read “ <u>Catcher vessels that take groundfish in crab pot gear for use as crab bait on that vessel</u> ”.
(a)(4)(ii)(A)	(a)(1)(iii)(B)(1)	to change “open crab season” to read “when crab is open anywhere or in the same areas as open crab season” to better describe the conditions. This change also would show that owners or operators of these crab vessels are exempt from all R&R requirements in § 679.5, not just paragraphs (a) through (j).
(a)(4)(ii)(B)	(a)(1)(iii)(B)(1)	to improve reader comprehension by placing this sentence “This exemption does not apply to fishermen who:” as an introductory paragraph for paragraphs (a)(4)(ii)(B)(1) and (2).
(a)(4)(ii)(B)(1)	(a)(1)(iii)(B)(1)(i)	Redesignation
(a)(4)(ii)(B)(2)	(a)(1)(iii)(B)(1)(ii)	Redesignation
(a)(4)(ii)(C)	(a)(1)(iii)(B)(2)	Redesignation
(a)(5) heading	(a)(13)	to read “ <u>Inspection and retention of records.</u> ”
(a)(5)(i)	(a)(13)(i)	to provide information on inspection and retention that applies to all forms and logsheets. Further, this paragraph would be simplified by using the terms “operator or manager” and by referring to Table 9 to part 679, which provides a list of all R&R forms and logbooks, instead of listing those documents in this paragraph.
(a)(5)(ii)	(a)(13)(ii) introductory text	to remove “logbooks and forms” and substitute “for all R&R documentation listed in Table 9 to this part”.

Table 3. Section 679.5 [except paragraphs (c), (d), (e), and (f)] – Recordkeeping and Reporting.		
Paragraph under § 679.5	Derived from § 679.5 unless specified otherwise	Reason for change
(a)		removed; information would be integrated into paragraph (c).
(a) heading	new	added to read “ <u>General requirements</u> ”.
(a)(1) heading	new	added to read “ <u>Logbooks and forms</u> ”.
(a)(1)(i) and (a)(1)(ii)	(a)(3)(i)	to add information describing electronic access and submittal of forms, to provide the address for the NMFS Alaska Region website from which forms may be downloaded, and to require submitters to use the most current forms and logbooks.
(a)(5)(ii)(A)	(a)(13)(ii)(A)	to amend text by removing “On site at the shoreside facility” and substituting “Retain on site at the shoreside processor or SFP”. This would add a verb to the sentence and would use defined terms instead of “shoreside facility.” It would further be revised by removing “recorded in the logbooks and forms” and substituting “recorded in the R&R documentation listed in Table 9 to this part.” This change would reference all of the forms and logbooks, which all have the same retention requirements.
(a)(5)(ii)(B)	(a)(13)(ii)(B)	to remove “them” and substitute “R&R documentation listed in Table 9 to this part.”
(a)(6)	(a)(6) introductory text, (a)(6)(i)	to add heading “ <u>Maintenance of records</u> ” and to remove “all records, reports, and logbooks” and substitute “all R&R documentation listed in Table 9 to this part”.
(b)	(b)(1) and (b)(2)	to amend the text by removing paragraph (b)(2) and redesignating paragraph (b)(1) as paragraph (b) introductory text and by removing “paragraph (a)(2)” and adding in its place “paragraphs (a)(1) through (a)(6)”. Paragraph (b)(2) listed the information necessary to describe an authorized representative. This text would be removed, because each form and logbook would separately list the same or similar information.
(g)(1) introductory text		to correct the cross references and indicate the source tables for species codes.
(g)(1)(i) heading		to read “ <u>Groundfish and donated prohibited species</u> ” [found in REMOVE/ADD table].
(h)(1)	(h)(1) introductory text	to revise heading to read “ <u>Requirement</u> ” and to remove “Telex” from the regulatory text because NMFS no longer accepts this media; by removing “electronic file” and adding in its place the e-mail address; and removing “within the appropriate time limits”.
(h)(2)	(h)(1)(iii)	Redesignated
(h)(3)	(h)(2)	Redesignated

Table 3. Section 679.5 [except paragraphs (c), (d), (e), and (f)] – Recordkeeping and Reporting.		
Paragraph under § 679.5	Derived from § 679.5 unless specified otherwise	Reason for change
(a)		removed; information would be integrated into paragraph (c).
(a) heading	new	added to read “ <u>General requirements</u> ”.
(a)(1) heading	new	added to read “ <u>Logbooks and forms</u> ”.
(a)(1)(i) and (a)(1)(ii)	(a)(3)(i)	to add information describing electronic access and submittal of forms, to provide the address for the NMFS Alaska Region website from which forms may be downloaded, and to require submitters to use the most current forms and logbooks.
(h)(4)	(h)(1)(i) and (h)(1)(ii)	to revise heading to read “ <u>Time limits and submittal</u> ”, to add “and a check-out report”, and to place requirements for check-in reports and check-out reports in one in-text table. This would remove duplication and correct errors, for example, by removing “MS, SS, SFP” and adding in its place “MS” because SS and SFP do not have the same R&R requirements as MS.
(h)(5)	(h)(3)	to add “and check-out report, as appropriate.” and to add an in-text table to include all of the requirements formerly described in paragraph (h)(3). In addition, several variables would be codified for check-out reports that appear on the form.
(i)(1) heading		to revise heading to read “ <u>Responsibility</u> ”.
(i)(1)(i)		to revise the cross references from paragraph (i)(1)(iii) to read (i)(1)(ii) and change paragraph (h)(2) to read (h)(1).
(i)(1)(ii)		to remove this paragraph which duplicates paragraph (i)(3)(i).
new (i)(1)(ii)	(i)(1)(iii)	to redesignate this paragraph and change exemption reference from “SPELR” to “eLandings”.
(i)(2)		to add fax number and email address.
(i)(3)	(i)(3)(i) through (i)(3)(vi)	to create an in-text table to list the conditions under which a separate WPR is submitted by a C/P, MS, SS, or SFP.
(i)(4) introductory text		to revise this instruction into a complete sentence
(i)(4)(i) through (i)(4)(xv)	(i)(4)(i) through (i)(4)(xii)	to create an in-text table showing all WPR requirements for mothership, catcher/ processor, shoreside processor, and SFP.
(j)		to remove this paragraph and requirement because daily production reports would be replaced by eLandings.
(l)(1)(iv)		to revise the description of the IFQ Prior Notice of Landing exemption language for 1) salmon harvested using hand troll gear or power gurdy troll gear and 2) lingcod harvested using dinglebar gear.



Table 3. Section 679.5 [except paragraphs (c), (d), (e), and (f)] – Recordkeeping and Reporting.		
Paragraph under § 679.5	Derived from § 679.5 unless specified otherwise	Reason for change
(a)		removed; information would be integrated into paragraph (c).
(a) heading	new	added to read “ <u>General requirements</u> ”.
(a)(1) heading	new	added to read “ <u>Logbooks and forms</u> ”.
(a)(1)(i) and (a)(1)(ii)	(a)(3)(i)	to add information describing electronic access and submittal of forms, to provide the address for the NMFS Alaska Region website from which forms may be downloaded, and to require submitters to use the most current forms and logbooks.
(l)(2)		to remove this paragraph because the procedure for data entry of the IFQ landing report would be replaced by eLandings.
(l)(2) heading	new	to read “ <u>IFQ landing</u> ”.
(l)(2)(i)	(l)(2)(i)(D)	to update the cross reference.
(l)(2)(ii)	(l)(2)(i)(E)	to change the heading to read “ <u>No movement</u> .” to indicate that the landing report must be completed through eLandings or other NMFS-approved software prior to halibut being moved from the landing site, and to update the cross reference.
(l)(2)(iii) heading	new	to read “ <u>Single offload site</u> ”.
(l)(2)(iii)(A)	(l)(2)(i)(B)	to revise heading to read “ <u>IFQ halibut and CDQ halibut</u> ”.
(l)(2)(iii)(B)	(l)(2)(i)(C)	to revise heading to read “ <u>IFQ sablefish</u> ”.
(m)		to remove and reserve this paragraph, because eLandings would replace the requirement for paper fish tickets onboard the mothership.
(n)(1)(i)		to update the text to show that a different data entry system is in use by removing reference to SPELR and replacing it with eLandings [found in REMOVE/ADD Table].
(p)(2)		to standardize reference to ADF&G [found in REMOVE/ADD Table].

### Logbook General Information

The current § 679.5(c) would be removed and replaced entirely. This section would provide introductory information and descriptions for four different formats for reporting logbook data: DFL, DCPL, ELB, and eLandings. Most of the proposed revisions are technical and pertain to reorganization of the regulations. The reorganization of § 679.5 (R&R) would improve efficiency for the use of the regulations.

General requirements that affect all logbooks would be relocated to § 679.5(c)(1). One general logbook requirement proposed for revision is the “active” or “inactive” entry. Each groundfish fishery participant currently must account for each day of the calendar year in the logbook by coding the time periods as

active or inactive. The procedure for recording inactive time periods is the same for all logbooks and would be described at (c)(2). Each logbook described at (c)(3) through (c)(6) would have a paragraph referring back to (c)(2). The procedure for recording active time periods would be presented separately in each logbook section. The reference to fishing activity would be removed, as this term no longer is appropriate.

Regulations for catcher vessel DFLs and catcher/processor DCPLs for longline or pot gear, currently found at § 679.5(c)(1), would appear at § 679.5(c)(3). Regulations for catcher vessel DFLs and catcher/processor DCPLs for trawl gear, currently found at § 679.5(c)(2), would appear as a new paragraph at § 679.5(c)(4). Regulations for shoreside processor DCPLs, used by shoreside processors and SFPs, would appear as a new paragraph at § 679.5(c)(5). And, regulations for mothership DCPLs would appear as a new paragraph at § 679.5(c)(6). Each new or revised paragraph would contain complete information for a particular logsheet. In addition, NMFS would standardize data elements within each logbook type, so that similar information is found in the same location of each section. Table 4 summarizes these changes.

Table 4. New § 679.5(c) and (c)(1) – Logbook General Information		
Paragraph under § 679.5(c)(1)	Derived from § 679.5 unless specified otherwise	Reason for change
(c)		existing paragraph (c) would be removed.
(c) heading	new	to read “ <u>Logbooks vs eLandings and ELBs</u> ”.
(1) heading	new	to read “ <u>Requirements</u> ”.
(i) heading	new	added to read “ <u>Shoreside processor or SFP</u> ”.
(i)(A)	(a)(2)(i)	to add heading “ <u>Shoreside processor daily cumulative production logbook (DCPL)</u> ” and to describe the DCPL use requirement.
(i)(B)	new	to add heading “ <u>eLandings</u> ” and to describe the requirement to use eLandings to daily report groundfish received, fish ticket number, production, discard or disposition information, catcher vessel and buying station groundfish delivery information.
(ii) heading	new	to read “ <u>Mothership</u> ”.
(ii)(A)	(a)(2)(i)	to add heading “ <u>Mothership DCPL</u> ” and to describe the DCPL use requirement.
(ii)(B)	new	to add heading “ <u>Mothership ELB</u> ” and to describe the ELB use requirement and need to export files to eLandings.
(ii)(C)	new	to add heading “ <u>eLandings (Effective until January 1, 2008)</u> ” and to describe the mothership requirement to use eLandings to report groundfish received, fish ticket number, production, and discard or disposition information weekly or daily but must use the DCPL to record catcher vessel and buying station groundfish delivery information.

Table 4. New § 679.5(c) and (c)(1) – Logbook General Information		
Paragraph under § 679.5(c)(1)	Derived from § 679.5 unless specified otherwise	Reason for change
(ii)(C)	new	to add heading “ <u>eLandings (Effective January 1, 2008)</u> ” and to describe the mothership requirement to use eLandings to report groundfish received, fish ticket number, production, and discard or disposition information daily but must use the DCPL to record catcher vessel and buying station groundfish delivery information.
(iii) heading	new	to read “ <u>Catcher/processor</u> ”.
(iii)(A)	(a)(2)(i)	to add heading “ <u>Catcher/processor longline or pot gear DCPL and catcher/processor trawl gear DCPL</u> ” and to describe that the current DCPL must be used.
(iii)(B)	new	to add heading “ <u>Catcher/processor ELB</u> ” and to describe the requirement to use ELB and to export files to eLandings.
(iii)(C)	new	to add heading “ <u>eLandings (Effective until January 1, 2008)</u> ” and to describe the catcher/processor requirement to use eLandings to report groundfish received, fish ticket number, production, and discard or disposition information weekly or daily but must use the DCPL to record catcher vessel and buying station groundfish delivery information.
(iii)(C)	new	to add heading “ <u>eLandings (Effective January 1, 2008)</u> ” and to describe the catcher/processor requirement to use eLandings to report groundfish received, fish ticket number, production, and discard or disposition information daily but must use the DCPL to record catcher vessel and buying station groundfish delivery information.
(iv) heading	new	to read “ <u>Catcher vessel</u> ”.
(iv)(A)	(a)(2)(i)	to add heading “ <u>Catcher vessel longline or pot gear and catcher vessel trawl gear DFL</u> ” and describe the requirement to use the DFL.
(iv)(B)	new	to add heading “ <u>Catcher vessel longline or pot gear and catcher vessel trawl gear ELB</u> ” and describe the requirement to use the ELB to export files to eLandings.
(v)	new	to add heading “ <u>Registered Buyer</u> ” and describe the requirement for a Registered Buyer to use eLandings or other NMFS-approved software to report IFQ halibut, IFQ sablefish, or CDQ halibut.
(vi) heading	new	to read “ <u>Registered Crab Receiver (RCR)</u> ”.
(vi)(A) heading	new	to read “ <u>IFQ crab</u> ”.
(vi)(A)(1)	§ 680.5(d)(3)	to describe the requirement for an RCR to use eLandings to report IFQ crab landings.

Table 4. New § 679.5(c) and (c)(1) – Logbook General Information		
Paragraph under § 679.5(c)(1)	Derived from § 679.5 unless specified otherwise	Reason for change
(vi)(A)(2)	§ 680.5(d)(2)(ii)	to describe the requirement for an RCR aboard a catcher/processor to use eLandings to report IFQ crab landings by e-mail attachment.
(vii)	(a)(6)(iii)(E)(1)	to revise heading to read “ <u>Two vessel logbooks of same gear type</u> ”, add “onboard a vessel” after “fishing year”, and add that the operator is responsible for this activity.
(viii)	(a)(6)(iii)(E)(2)	to add heading “ <u>Two vessel logbooks of different gear types</u> ” and provide pagination instructions for vessel logbooks.
(ix)	(a)(6)(iii)(E)(3)	to add heading “ <u>Two vessel logbooks for pair trawl</u> ”, correct the text to show that catcher/ processors also could do pair trawling, and state the need for logbook pagination. In addition, this action would be reworded in active voice.
(x)	new	to add heading “ <u>Two logbooks of different operation</u> ” and describe use of logbooks when a vessel performs two different functions in a fishing year – as a mothership and as a catcher/processor.
(xi) heading	new	to read “ <u>Alteration of logbook information.</u> ”
(xi)(A) and (B)	(a)(12)(i)	to describe the procedure for revising an entry in a logbook. This action would add “Except as described in paragraphs (c)(1)(xi)(B) and (C) of this section,” to show that exceptions to this regulation exist. This action further would remove “except that” to simplify the paragraph.
(xi)(C)	new	to describe the procedure for correcting an error in a logbook that was found after a time period had passed. This paragraph would state that, rather than redo all of the entries after an error, to add a note in the logbook that an error occurred and correct the error using new blank logsheets.
(xii) heading	new	added to read “ <u>Logsheets distribution and submittal.</u> ”
(xii)(A)	(a)(12)(ii)	to re-write text to clearly state that only an authorized officer may remove the original white logsheet.
(xii)(B)	(a)(14)(ii) and (a)(14)(iii)	to combine logbook copy set information with logsheet distribution information in the same in-text table. This would save space and would present a simpler array of information.

#### Recording Inactive Time Periods in the DFL or DCPL

The current § 679.5(c)(2) would be completely removed and replaced. The term "fishing activity" would be removed from the regulations at 50 CFR part 679. "Fishing activity" was a term introduced with the creation of the paper logbooks in 1989-90. The term defined the participant's conduct, described as harvest, discard, receipt, process, and delivery. NMFS has determined that this term is unnecessary, because the requirement for reporting "active" or "inactive" time periods provides NMFS with sufficient information regarding the participant's fishing activities. Different fields within the logbook are

completed depending on whether the vessel or processor is active or inactive. Table 5 summarizes the changes describing inactive time periods.

Table 5. New § 679.5(c)(2) – Recording Inactive Time Periods in the DFL or DCPL		
Paragraph under § 679.5(c)(2)	Derived from § 679.5 unless specified otherwise	Reason for change
(c)(2)		existing paragraph (c)(2) would be removed and redesignated as paragraph (c)(4).
(c)(2) heading	new	to read “ <u>Recording active and inactive time periods in the DFL or DCPL.</u> ”
(i)	(a)(6)(ii)	to add a heading “ <u>Account for each day of the fishing year</u> ”, explain that operator must document each day of the calendar year (fishing year), and indicate whether the vessel or processor was active or inactive during that day. The inactive box must be checked in the logbook if vessel or processor is inactive. This action would restructure the first sentence.
(ii)	(a)(6)(ii)	to add a heading “ <u>Record January 1 on page 1</u> ”, and describe the requirements to record the first day of the fishing year (January 1) on the first page of the logbook, even if not fishing or processing.
(iii) introductory text	New	to add heading “ <u>Required information for inactive time periods</u> ” and to state the general requirement that an operator or manager must record inactive information.
(iii)(A)	(a)(5)(i) and (a)(5)(ii)	to describe requirements for a catcher vessel; to add “Federal crab vessel permit number” because crab operators also use the longline or pot gear DFL; and to add “page number” as an essential item of information.
(iii)(B)	(a)(5)(i) and (a)(5)(iii)	to describe requirements for a shoreside processor or SFP; to revise the paragraph to add “on Part I of the logsheet ” because Part II logsheets are not completed when inactive; to add “page number” as an essential item of information.
(iii)(C)	(a)(5)(i) and (a)(5)(iv)	to describe requirements for a mothership or catcher/processor; to add “page number” as an essential item of information..
(iii)(D)	(a)(7)(iii)(B)(1)	redesignated
(iii)(E)	(a)(7)(iii)(B)(2)	redesignated
(iii)(F)	(a)(6)(ii)(A) through (a)(6)(ii)(C) and (a)(7)(ii)(B)(3)	to add “e.g., bad weather or equipment” as an example of requested information.
(iii)(G)	(a)(7)(iii)(B)(4)	redesignated
(iv)	(a)(7)(iii)(C)	redesignated

Longline and Pot Gear DFL and DCPL

The current regulations at § 679.5(c)(1) describe R&R requirements for maintaining the longline and pot gear logbook. The proposed action would expand this section and redesignate it from § 679.5(c)(1) to (c)(3). Most of the proposed measures are technical and would pertain to reorganization. The existing § 679.5(c)(3) would be completely removed and replaced. Table 6 summarizes these changes.

Table 6. New § 679.5(c)(3) – Longline and Pot Gear DFL and DCPL		
Paragraph under § 679.5(c)(3)	Derived from § 679.5 unless specified otherwise	Reason for change
(c)(3) heading	new	to read “ <u>Longline and pot gear catcher vessel DFL and catcher/processor DCPL.</u> ”
(i) heading	new	to read “ <u>Responsibility.</u> ”
(i)(A) heading	new	to read “ <u>Groundfish fisheries.</u> ”
(i)(A)(1)	(c)(1)(A)(1)	to add that operators of vessels 60 ft (18.3 m) or more LOA and that is required to have an FFP are required to complete a logbook.
(i)(A)(2)	(c)(1)(i)(A)(2)	redesignated
(i)(B) heading	new	to read “ <u>IFQ halibut, CDQ halibut, and IFQ sablefish fisheries.</u> ”
(i)(B)(1)	(c)(1)(i)(B)(1)	to remove “longline” and replace with “fixed gear (NMFS), setline (IPHC) or pot gear”, because these are the correct gear terms used for that fishery; the term “longline” is a term used for groundfish. This regulation pertains to vessels 60 ft (18.3 m) or greater LOA.
(i)(B)(2)	(c)(1)(i)(B)(2)	redesignated
(i)(C) heading	new	to read “ <u>CR crab fisheries.</u> ”
(i)(C)(1)	(c)(1)(i)(C)(1)	to remove “catcher vessel” and substitute “catcher vessel 60 ft (18.3 m) or greater LOA” to state that vessels less than 60 ft (18.3 m) LOA are not required to complete a logbook.
(i)(C)(2)	(c)(1)(i)(C)(2)	redesignated
(ii) heading	(a)(14)(iv)	to read “ <u>Data entry time limits.</u> ”
(ii)(A)	(c)(1)(ii)(H)(1)	to describe the data elements that must be recorded in the DFL or DCPL within 2 hours after completion of gear retrieval. In addition, the data element “hail weight” would replace “haul weight”. This would correct an inadvertent error wherein “haul weight” was placed into regulations (see also footnote 1).
(ii)(B)	(a)(10)(vii)(B) and (a)(14)(iv)(C)(1)	to describe the time limit for recording discard and disposition information in the DFL or DCPL (see also footnote 1).
(ii)(C)	(a)(14)(iv)(C)(3)	to describe the time limit to submit the goldenrod logsheet in the DFL or DCPL to the observer (see also footnote 1).

Table 6. New § 679.5(c)(3) – Longline and Pot Gear DFL and DCPL		
Paragraph under § 679.5(c)(3)	Derived from § 679.5 unless specified otherwise	Reason for change
(ii)(D)	(a)(14)(iv)(A), (a)(14)(iv)(B)(3) and (a)(14)(iv)(C)(2)	if on a catcher vessel, to describe the time limit for the operator to submit the blue DFL to the processor, to record all other required information, and to sign the completed logsheet in the DFL (see also footnote 1).
(ii)(E)	(a)(14)(iv)(C)(2) (a)(14)(iv)(D)(1) and (a)(14)(iv)(D)(2)	if on a catcher/processor, to describe the time limit for the operator to record product information, record all other required information, and sign the completed logsheet in the DCPL (see footnote 1).
(iii)	new	to add a heading “ <u>Required information, if inactive</u> ”, and add a cross reference to paragraph (c)(2) instead of duplicating that material.
(iv) heading	new	to read “ <u>Required information, if active</u> ”.
(iv)(A) heading	new	to read “ <u>Catcher vessel</u> ”.
(iv)(A)(1)	(a)(7)(i)(A)	to describe an “active” catcher vessel using longline or pot gear.
(iv)(A)(2)	(a)(7)(iii)(A)	to describe the data elements that must be recorded in the longline or pot gear DFL if a catcher vessel is active.
(iv)(B) heading	new	to read “ <u>Catcher/processor</u> ”.
(iv)(B)(1)	(a)(7)(i)(D)	to describe an “active” catcher/processor using longline or pot gear.
(iv)(B)(2)	(a)(7)(iii)(A)	to describe the data elements that must be recorded in the longline or pot gear DCPL if a catcher/processor is active.
(v) heading	new	to read “ <u>Identification information</u> ”.
(v)(A)	(a)(6)(iii)(D)(1)	to describe logbook pagination requirements; e.g., information for January 1 is recorded on page 1 regardless of whether active or inactive.
(v)(B)	(a)(2)(iii) and (a)(5)(i)	to describe DFL and DCPL signature requirement and responsibility. This action also would remove mention of SPELR, as it does not apply in this section.
(v)(C)	(a)(5)(ii) and (c)(1)	to describe vessel identification data entry requirements. In addition “Federal crab vessel permit” because the logbook is also used by crab fishermen. Further, this would add “ADF&G processor code if a catcher/ processor”.
(v)(D)	(c)(1)(ii)(D)	to describe recording of permit numbers other than the FFP and FPP, if required, when IFQ or CDQ fishing.
(v)(E)	(a)(7)(xi) and (c)(1)(ii)(A)	to describe recording of “reporting area” for different programs in the longline and pot gear DFL or DCPL; Federal reporting area for groundfish, IPHC regulatory area for IFQ halibut, IFQ sablefish, and CDQ halibut, and no entry for CR crab.
(v)(F)	(c)(1)(ii)(B)	redesignated

Table 6. New § 679.5(c)(3) – Longline and Pot Gear DFL and DCPL

Paragraph under § 679.5(c)(3)	Derived from § 679.5 unless specified otherwise	Reason for change
(v)(G)	(c)(1)(ii)(C)	to describe the data entry and recording requirements of the various “gear types”.
(v)(H)	(a)(7)(xv) and (c)(1)(ii)(F)	to describe the data entry and recording requirements of special “management programs” (see also footnote 1).
(v)(I)	(c)(1)(ii)(E)	redesignated
(vi) introductory text	(c)(1)(ii)(G) introductory text, and (c)(1)(ii)(G)(1)	to add heading to read “ <u>Catch by set information</u> ” and to describe the data entry and recording requirements of catch-by-set information (see also footnote 1).
(vi)(A)	(c)(1)(ii)(G)(2)	redesignated
(vi)(B)	(c)(1)(ii)(G)(3) and definition for “gear deployment (or to set gear) for hook-and-line gear, jig or troll gear, and pot gear”	to describe the data entry and recording requirements of “gear deployment” (see also footnote 1).
(vi)(C)	(c)(1)(ii)(G)(4) and definition for “gear retrieval (or to haul gear) for hook-and-line gear, jig or troll gear, and pot gear”	to describe the recording requirements of “gear retrieval” (see also footnote 1).
(vi)(D)	(c)(1)(ii)(G)(5)	redesignated
(vi)(E)	(c)(1)(ii)(G)(6)	redesignated
(vi)(F)	(a)(7)(vi)	to describe “species codes” and to elaborate on species information contained in Tables 2a through 2d. To remove “Table 2” and substitute the titles and Tables 2a through 2d. In addition, this action would remove the vague term “federally managed groundfish.” This would rearrange the description of this requirement to fit the new paragraph format.
(vi)(G)	(c)(1)(ii)(G)(7)	to describe “target species code” and to remove “you intend to catch” and replace with “you intended to catch this set.”
(vi)(H)	(c)(1)(ii)(G)(8)	to describe “estimated total haul weight” and to add the data element “haul weight” to replace “haul weight” to correct an inadvertent error wherein “haul weight” was placed into regulations. Also, this action would rearrange the description of this requirement to fit the new paragraph format.
(vi)(I)	(c)(1)(ii)(G)(9)	to describe “IR/IU species” and to add “if applicable” to indicate that this data element is not always completed; not all operators catch IR/IU species.



Table 6. New § 679.5(c)(3) – Longline and Pot Gear DFL and DCPL

Paragraph under § 679.5(c)(3)	Derived from § 679.5 unless specified otherwise	Reason for change
(vi)(J) through (L)	(c)(1)(ii)(G)( <u>10</u> ) through (c)(1)(ii)(G)( <u>13</u> )	redesignated paragraphs
(vii)	(a)(7)(ii)(C), (a)(7)(iv), and (a)(9)(i)	to add a heading “ <u>Product information, catcher/ processor</u> ” and to describe how to record product information (see also footnote 1).
(vii)(A)	(a)(7)(iv)(E)	to describe recording of “total daily fish product weight” or “actual scale weight” (see also footnote 1).
(vii)(B)	(a)(7)(iv)(G)( <u>1</u> )	to describe recording of “total product balance forward” weight (see also footnote 1).
(vii)(C)	(a)(7)(iv)(I)( <u>1</u> )	to describe recording of “weekly cumulative total” of weights and numbers (see also footnote 1).
(vii)(D)	(a)(7)(iv)(B)	to describe recording of “weekly cumulative total” of weights and numbers (see also footnote 1).
(vii)(E)	(a)(7)(iv)(H) introductory text	to describe recording of “zero balance forward” (see also footnote 1).
(viii) heading	new	to read “ <u>Retain and record discard quantities over the MRA.</u> ”
(viii)	(a)(10)(vi)	redesignated
(ix)	(a)(7)(ii)(D) and (a)(10)(iv)	to add a heading “ <u>Discard or disposition information, catcher vessel</u> ” and to describe how to record “discard and disposition” information in the DFL under various scenarios (see also footnote 1).
(ix)(A)	(a)(7)(iv)(F), (a)(7)(iv)(H), and (a)(10)(iv)	to describe recording of “species codes” and “product codes” for discard and disposition (see also footnote 1).
(ix)(B)	(a)(7)(iv)(H)( <u>1</u> )	to describe recording of “zero balance forward” after offload or transfer of fish (see also footnote 1).
(x) introductory text	(a)(7)(ii)(D)( <u>1</u> ), (a)(7)(iv)(H)( <u>2</u> ), (a)(7)(iv)(H)( <u>3</u> ), and (a)(10)(ii)(A)( <u>1</u> )	to add a heading “ <u>Discard or disposition information, catcher/processor</u> ” and to describe how to record discard and disposition information in the DCPL under various scenarios (see also footnote 1).
(x)(A)	(a)(7)(iv)(H)( <u>2</u> ) and (a)(10)(ii)(A)( <u>2</u> )	to describe recording of “zero balance forward” after offload or transfer of fish and to add “Nothing shall be carried forward from the previous fishing trip” (see also footnote 1).
(x)(B)	(a)(7)(iv)(B), (a)(7)(iv)(F), (a)(7)(v), and (a)(10)(ii)(A)	to describe recording of catcher/processor discard or disposition information longline and pot gear logbook information requirements (see also footnote 1).
(xi)	new	to add heading “ <u>Catcher vessel delivery information</u> ” and to describe buying station, mothership, shoreside processor, or SFP delivery data entry requirements.

<sup>1</sup>The information currently listed under § 679.5(a) for multiple catcher vessel and processor requirements would be revised under a new § 679.5(c)(3) to address specifically the longline and pot gear DFL and DCPL.

Trawl gear DFL and DCPL

Currently, the regulations at § 679.5(c)(2) describe some of the requirements for maintaining a trawl gear logbook, and some of the requirements are found in generalized tables formerly found in § 679.5(a). The proposed action would place all of the trawl gear DFL and DCPL requirements in one section and renumber it from § 679.5(c)(2) to (c)(4). This would create a “stand-alone” trawl gear logbook section. Most of the proposed measures are technical and would pertain to the reorganization of these logbook regulations. Existing § 679.5(c)(2) would be completely removed and replaced. Table 7 summarizes these changes.

Paragraph under § 679.5(c)(4)	Derived from § 679.5 unless specified otherwise	Reason for change
(c)(4) heading	new	to read “ <u>Trawl gear catcher vessel DFL and catcher/processor DCPL.</u> ”
(i) heading	new	to read “ <u>Responsibility.</u> ”
(i)	(a)(1)(iii)(A)	to describe the trawl catcher and catcher/processor logbook data entry responsibilities and that vessels less than 60 ft (18.3 m) LOA are not required to complete a logbook.
(ii) introductory text	new	to add heading “ <u>Data entry time limits</u> ” and introductory text.
(ii)(A)	(a)(14)(iv)(B)(2)	to identify the data elements that must be recorded in the DFL or DCPL within 2 hours after completion of gear retrieval. In addition, the data element “hail weight” would be added to replace “haul weight”. This would correct an inadvertent error wherein “haul weight” was placed into regulations (see also footnote 1).
(ii)(B)	(a)(14)(iv)(C)(1)	to describe the time limit for recording discard and disposition information in the DFL or DCPL (see also footnote 1).
(ii)(C)	(a)(14)(iv)(C)(3)	to describe the time limit for submitting the goldenrod logsheet in the DFL or DCPL to the observer (see also footnote 1).
(ii)(D)	(a)(14)(iv)(A), (a)(14)(iv)(B)(3) and (a)(14)(iv)(C)(2)	if on a catcher vessel, to describe the time limit for the operator to submit the blue DFL to the processor, to record all other required information, and to sign the completed logsheet in the DFL (see also footnote 1)

Table 7. New § 679.5(c)(4) – Trawl Gear Catcher Vessel DFL and Catcher/processor DCPL		
Paragraph under § 679.5(c)(4)	Derived from § 679.5 unless specified otherwise	Reason for change
(c)(4) heading	new	to read “ <u>Trawl gear catcher vessel DFL and catcher/processor DCPL.</u> ”
(ii)(E)	(a)(14)(iv)(B)( <u>1</u> ) (a)(14)(iv)(C)( <u>2</u> ) and (a)(14)(iv)(D)( <u>2</u> )	if on a catcher/processor, to describe the time limit for the operator to record product information, record all other required information, and sign the completed logsheet in the DCPL (see footnote 1).
(iii)	new	to add a heading “ <u>Required information, if inactive</u> ”, and add a cross reference to paragraph (c)(2) instead of duplicating that material.
(iv) heading	new	to read “ <u>Required information, if active.</u> ”
(iv)(A) heading	new	to read “ <u>Catcher vessel.</u> ”
(iv)(A)( <u>1</u> )	(a)(7)(i)(A)	to state that a net or tow at fishing depth constitutes an active period for a trawl gear catcher vessel and to correct the description of active catcher vessel in current regulations (see also footnote 1).
(iv)(A)( <u>2</u> )	(a)(7)(iii)(A)	to require that the operator of an active trawl catcher vessel enter only one day’s information per logsheet (see also footnote 1).
(iv)(B) heading	new	to read “ <u>Catcher/processor.</u> ”
(iv)(B)( <u>1</u> )	(a)(7)(i)(D)	to describe an active period for a trawl gear catcher/processor (see also footnote 1).
(iv)(B)( <u>2</u> )	(a)(7)(iii)(A)	to require that the operator of an active catcher/processor using trawl gear enter one day’s information per logsheet (see also footnote 1).
(v) introductory text	new	to add heading “ <u>Identification information</u> ” and introductory text.
(v)(A) and (B)	(a)(6)(iii)(D)( <u>1</u> )	to describe “date” and “page number” (see also footnote 1).
(v)(C)	(a)(2)(iii) and (a)(5)(i)	to describe operator “printed name” and “signature” (see also footnote 1).
(v)(D)	(a)(5)(ii) and (a)(5)(iv)	to describe “vessel identification”(see also footnote 1).
(v)(E)	(a)(7)(x)(B) and (a)(7)(xi)	to describe “Federal reporting area” (see also footnote 1).
(v)(F)	(a)(7)(x)(C) and (a)(7)(xii)	to describe how to record information when fishing occurred in the COBLZ or RKCSA (see also footnote 1).
(v)(G)	(a)(7)(xiv)	to describe “crew size” (see also footnote 1).
(v)(H)	(a)(7)(x)(D) and (c)(2)(i)	to describe “gear type” (see also footnote 1).
(v)(I)	(a)(7)(xv)	to describe special “management programs” (see also footnote 1).
(v)(J)	(a)(7)(xiii)	to describe “observer information”(see also footnote 1).

Table 7. New § 679.5(c)(4) – Trawl Gear Catcher Vessel DFL and Catcher/processor DCPL

Paragraph under § 679.5(c)(4)	Derived from § 679.5 unless specified otherwise	Reason for change
(c)(4) heading	new	to read “ <u>Trawl gear catcher vessel DFL and catcher/processor DCPL.</u> ”
(vi) introductory text	new	to add heading “ <u>Catch-by-haul information,</u> ” to add introductory text, and to explain that if no catch occurred on a day, the operator would indicate “no catch” in the logbook.
(vi)(A)	(c)(2)(ii)	to describe “Haul number”.
(vi)(B)	(c)(2)(iii) and definition for “gear deployment (or to set gear) for trawl gear”	to describe the recording of “gear deployment” (see also footnote 1).
(vi)(C)	(c)(2)(iv) and definition for “gear retrieval (or to haul gear) for trawl gear”	to describe the recording of “gear retrieval” (see also footnote 1).
(vi)(D)	(c)(2)(v)	to describe “average sea depth” and “average gear depth” (see also footnote 1).
(vi)(E)	(a)(7)(vi)	to describe “species codes” and to elaborate on species information contained in Tables 2a through 2d. To remove “Table 2” and substitute the titles and Tables 2a through 2d. In addition, this action would remove the vague term “federally managed groundfish.” This would rearrange the description of this requirement to fit the new paragraph format.
(vi)(F)	(c)(2)(vi)	to describe “target species code” and remove “you intend to catch” and replace with “you intended to catch this haul.”
(vi)(G)	(a)(7)(iv)(C)(3) and (c)(2)(vii)	to describe “IR/IU species” and to add “if applicable” after “for each IR/IU species” to indicate that this data element is not always completed; not all operators catch IR/IU species (see footnote 1).
(vi)(H)	(a)(7)(iv)(A) and (a)(7)(iv)(C)(2)	to describe “total estimated haul weight” and add “haul weight” in place of “haul weight”. This would correct an inadvertent error wherein “haul weight” was placed into regulations.
(vii) introductory text	(a)(7)(ii)(C), (a)(9)(i) and (a)(9)(i)(A)	to add heading “ <u>Product information,</u> catcher/processor” and to describe recording of “groundfish product information” (see also footnote 1).
(vii)(A)	(a)(7)(iv)(E)	to describe recording of “daily product weight” (see also footnote 1).
(vii)(B)	(a)(7)(iv)(G)(1)	to describe recording of “balance forward weight” (see also footnote 1).

Table 7. New § 679.5(c)(4) – Trawl Gear Catcher Vessel DFL and Catcher/processor DCPL		
Paragraph under § 679.5(c)(4)	Derived from § 679.5 unless specified otherwise	Reason for change
(c)(4) heading	new	to read “ <u>Trawl gear catcher vessel DFL and catcher/processor DCPL.</u> ”
(vii)(C)	(a)(7)(iv)(I)(1)	to describe recording of “weekly cumulative total weight” (see also footnote 1).
(vii)(D)	(a)(7)(iv)(B)	to describe summarizing “weekly cumulative totals” (see also footnote 1).
(vii)(E)	(a)(7)(iv)(H)(2) and (3)	to describe recording of “zero balance forward” (see also footnote 1).
(viii) introductory text and (c)(4)(viii)(A)	(a)(7)(ii)(D)(1), (a)(10)(iv), (a)(10)(v), and (a)(11)(iv)	to add heading “ <u>Discard or disposition information, catcher vessel</u> ” and to add introductory text. In addition, this would remove a discard or disposition exemption, formerly found at paragraph (a)(10)(v) that exempted completion of the blue DFL if an operator indicated it had an “unsorted” codend. OLE indicated that over the years, experience has shown that discards always occur, whether receiving a sorted or unsorted codend. When the final rule becomes effective, the DFL format would be changed to remove the delivery information block and the terms, “presorted” and “unsorted”. The blue DFL would always be submitted (see also footnote 1).
(viii)(B)	(a)(7)(iv)(F)(1)	to describe “discard weight” (see also footnote 1).
(viii)(C)	(a)(7)(iv)(F)(2)	to describe “PSC discard numbers” (see also footnote 1).
(viii)(D)	(a)(7)(iv)(I)(3)	to describe “discard cumulative total” (see also footnote 1).
(viii)(E)	(a)(7)(iv)(H)(1)	to describe “discard zero balance forward” (see also footnote 1).
(ix) introductory text	(a)(7)(ii)(D)(1) and (a)(10)(ii)(A)	to add heading “ <u>Discard or disposition information, catcher/processor</u> ” and to add introductory text.
(ix)(A)	(a)(7)(iv)(F)(1) and (a)(10)(ii)(A)(2)	to describe “discard total weight” (see also footnote 1).
(ix)(B)	(a)(7)(iv)(B) and (a)(7)(iv)(F)(2)	to describe “PSC discard numbers” (see also footnote 1).
(ix)(C)	(a)(7)(iv)(I)(1)	to describe “discard cumulative totals” (see also footnote 1).
(ix)(D)	(a)(7)(iv)(H)(2) and (3)	to describe “discard zero balance forward” (see also footnote 1).
(x) introductory text	(a)(11)(iv)	to add heading “ <u>Catcher vessel delivery information</u> ” and to add introductory text.
(x)(A) through (C)	(a)(11)(iv)	to describe “catcher vessel delivery”.

<sup>1</sup>The information currently listed under § 679.5(a) for multiple catcher vessel and processor requirements would be revised under a new § 679.5(c)(4) to address specifically the trawl gear DFL and/or DCPL.

### Shoreside Processor DCPL

Currently, the regulations at 50 CFR part 679 do not describe the requirements for maintaining a shoreside processor DCPL, although this logbook has been available from the beginning of the domestic logbook program. The description of this logbook formerly relied on generalized tables found in § 679.5(a). The proposed action would add § 679.5(c)(5) as a stand-alone section to describe the shoreside processor DCPL regulations. Table 8 summarizes these additions.

Paragraph under § 679.5(c)(5)	Derived from § 679.5 unless specified otherwise	Reason for change
(c)(5)	new	to add heading “ <u>Shoreside processor DCPL</u> ” and to add new section to describe the shoreside processor DCPL.
(i)	(a)(1)(i)(A)(2)	to add heading “ <u>Responsibility</u> ,” to describe shoreside processor DCPL data entry responsibilities.
(ii) introductory text	(a)(14)(iv) introductory text	to add heading “ <u>Data entry time limits</u> ” and to add introductory text.
(ii)(A)	(a)(14)(iv)(E)(1)	to describe the data elements that must be recorded in the DCPL within 2 hours after completion of receipt of each groundfish delivery (see also footnote 1).
(ii)(B)	(a)(14)(iv)(F)	to describe the various recording time limits for landings information, product information, discard and disposition information, and all other required information (see also footnote 1).
(ii)(C)	(a)(14)(iv)(D)(2)	
(ii)(D)	(a)(14)(iv)(C)(1)	
(ii)(E)	(a)(14)(iv)(D)(1)	
(ii)(F)	(a)(14)(iv)(C)(2)	to describe the time limit for signing the DCPL (see also footnote 1).
(ii)(G)	(a)(14)(iv)(C)(3)	to describe the time limit for submitting the goldenrod logsheet to the observer (see also footnote 1).
(iii)	(a)(7)(iii)(B) and (D)	to add heading “ <u>Required information, if inactive</u> ,” to reference paragraph (c)(2) instead of duplicating that material, and to explain that no information is recorded in Part II if inactive (see also footnote 1).
(iv) introductory text	(a)(7)(i)(B), (a)(7)(iii)(A), and (a)(7)(x)(A)	to add heading “ <u>Required information Part I, if active</u> ” and to describe this information (see also footnote 1).
(iv)(A)	(a)(6)(iii)(D)(2) and (a)(7)(x)(A)	to provide instructions for the first day of the fishing year, whether active or inactive. to explain that page 1 should start with January 1 (see also footnote 1).
(iv)(B)	new	to describe the procedure for recording the week-ending date.
(iv)(C)	(a)(2)(iii) and (a)(5)(i)	to describe the “printed name” and “signature of manager” (see also footnote 1).
(iv)(D)	(a)(5)(iii)	to describe “name of shoreside processor or SFP”.

Table 8. New § 679.5(c)(5) – Shoreside Processor DCPL		
Paragraph under § 679.5(c)(5)	Derived from § 679.5 unless specified otherwise	Reason for change
(iv)(E)	(a)(5)(iii)	to describe “geographic location of plant”.
(iv)(F)	(a)(5)(iii)	to describe “FPP number” and “ADF&G processor code”.
(iv)(G)	(a)(7)(xi)	to describe “Federal reporting area” (see also footnote 1).
(iv)(H)	(a)(7)(xv)	to describe the special “management programs” on Part I of the DCPL (see also footnote 1).
(iv)(I)	New	to describe “gear type” on Part I of the DCPL.
(iv)(J)	(a)(7)(x)(C) and (a)(7)(xii)	to describe how to record fish harvested with trawl gear in the COBLZ or RKCSA (see also footnote 1).
(iv)(K)	(a)(7)(xiii)	to describe “observer information” (see also footnote 1).
(v) introductory text	(a)(7)(ii)(A) and (a)(11)(i)	to add heading “ <u>Required delivery information Part I, if active</u> ” and to describe this information (see also footnote 1).
(v)(A)	(a)(6)(iii)(A)( <u>1</u> ) and (a)(11)(iii)(A)	to describe “date of delivery” (see also footnote 1).
(v)(B)	(a)(6)(iii)(B) and (a)(6)(iii)(B)( <u>1</u> )	to describe “type of delivery” (see also footnote 1).
(v)(C)	(a)(11)(iii)(C)	to describe “non-submittal of discard report”.
(v)(D)	(a)(11)(iii)(D)	to describe “name and ADF&G vessel registration number” of vessel.
(v)(E)	(a)(6)(iii)(C)	to describe “receipt time” and add that time should be recorded in military format.
(v)(F)	(a)(7)(iv)(A), (a)(7)(iv)(C)( <u>1</u> ) and (a)(7)(iv)(C)( <u>7</u> )(i)	to describe “estimated total hail weight” and add “hail weight” to replace “haul weight”. This would correct an inadvertent error wherein “haul weight” was placed into regulations (see also footnote 1).
(v)(G)	(a)(11)(iii)(G)( <u>1</u> )	to describe “ADF&G fish ticket numbers” (see also footnote 1).
(v)(H)	(a)(11)(iii)(H)	to describe “fish ticket numbers, states other than Alaska”.
(v)(I)	(a)(11)(iii)(I)	to describe “catch receipt numbers, states other than Alaska”.
(vi) introductory text	(a)(7)(ii)(B) and (a)(8)(i)	to add heading “ <u>Required landings information Part I, if active</u> ” and to describe this information.
(vi)(A)	(a)(6)(iii)(A)( <u>2</u> ) and (a)(8)(i)(A)	to describe “date of landing” (see also footnote 1).
(vi)(B)	(a)(7)(iv)(D) and (a)(8)(i)(A)	to describe “daily total weight of landings” (see also footnote 1).
(vi)(C)	(a)(7)(iv)(D)( <u>1</u> ) and ( <u>2</u> )	to describe “scale weight” and remove “weighing some or all” and replace with “weighing the entire delivery” (see also footnote 1).
(vi)(D)	(a)(7)(iv)(I)( <u>2</u> ) and (a)(8)(i)(A)	to describe “weekly cumulative weight of landings” (see also footnote 1).
(vi)(E)	(a)(7)(iv)(B)	to describe summarizing “weekly cumulative totals” (see also footnote 1).
(vi)(F)	(a)(8)(ii)	to describe “landings as product”.

Table 8. New § 679.5(c)(5) – Shoreside Processor DCPL		
Paragraph under § 679.5(c)(5)	Derived from § 679.5 unless specified otherwise	Reason for change
(vii) introductory text	(a)(10)(i)(A)(1), (a)(10)(vii)(A), and (a)(11)(i)	to add heading “ <u>Required discard or disposition information Part I, if active</u> ” and to describe recording of this information (see also footnote 1).
(vii)(A)	(a)(10)(vii)	to describe “date of discard” (see also footnote 1).
(vii)(B)	(a)(10)(i)(A)(2)	to describe “discard species code and product code” (see also footnote 1).
(vii)(C)	(a)(7)(iv)(F)(1) and (a)(10)(i)(A)(2)	to describe “daily weight” (see also footnote 1).
(vii)(D)	(a)(7)(iv)(F)(2) and (a)(10)(i)(A)(2)	to describe “PSC discard numbers” (see also footnote 1).
(vii)(E)	(a)(7)(iv)(I)(2) and (a)(10)(i)(A)(2)	to describe “discard weekly cumulative totals” (see also footnote 1).
(viii) heading	new	to read “ <u>Required product information Part II, if active.</u> ”
(viii)(A)	(a)(7)(ii)(C)(1) and (2) and (a)(9)(i)	to describe recording of product information (see also footnote 1).
(viii)(B)	(a)(6)(iii)(D)(2)	to describe “page numbering” in Part II.
(viii)(C)	(a)(2)(iii) and (a)(5)(i)	to describe “printed name and signature of manager” (see also footnote 1).
(viii)(D)	(a)(5)(iii)	to describe “name of shoreside processor or SFP” in Part II.
(viii)(E)	new	to describe “FPP number and ADF&G processor code”.
(viii)(F)	new	to describe “week-ending date”.
(viii)(G)	new	to specify whether harvest occurred in the BSAI or GOA.
(viii)(H)	(a)(6)(iii)(A)(3) and (a)(9)(i)(A)	to describe “date of production” (see also footnote 1).
(viii)(I)	(a)(9)(i)(A)	to describe “species and product codes” (see also footnote 1).
(viii)(J)	(a)(7)(iv)(A)(1), (a)(7)(iv)(E), and (a)(9)(i)(A)	to describe “daily product weight” (see also footnote 1).
(viii)(K)	(a)(7)(iv)(A)(1), (a)(7)(iv)(I)(2), and (a)(9)(i)(A)	to describe “weekly cumulative totals of product weights” (see also footnote 1).
(ix)	(a)(9)(ii)	to add heading “ <u>Custom processing</u> ” and to add introductory text (see also footnote 1).

<sup>1</sup>The information currently listed under § 679.5(a) for multiple catcher vessel and processor requirements would be revised under a new § 679.5(c)(5) to address specifically the shoreside processor DCPL.

#### Mothership DCPL

Currently, the regulations at 50 CFR part 679 do not have a section describing the mothership DCPL, although this logbook has been available since the beginning of the domestic logbook program. The description of this logbook formerly relied on generalized tables found in § 679.5(a). The proposed



action would add a new § 679.5(c)(6) to describe stand-alone mothership DCPL regulations. Most of these proposed measures are technical in nature. Table 9 summarizes these additions.

Table 9. New § 679.5(c)(6) – Mothership DCPL		
Paragraph under § 679.5(c)(6)	Derived from § 679.5 unless specified otherwise	Reason for change
(c)(6)	new	to add heading “ <u>Mothership DCPL</u> ”.
(i)	(a)(1)(i)(A)(2)	to add heading “ <u>Responsibility</u> ,” to describe “responsibility”, and to add language to describe the practice of incorporating information into the DCPL for all groundfish received from any source.
(ii) introductory text	(a)(14)(iv)	to add heading “ <u>Data entry time limits</u> ” and to describe these time limits.
(ii)(A)	(a)(14)(iv)(E)(1)	to describe the information required for each groundfish delivery to be recorded within 2 hours after completion of receipt of each groundfish delivery (see also footnote 1).
(ii)(B)	(a)(14)(iv)(D)(2)	to describe time limit for recording “product information” (see also footnote 1).
(ii)(C)	(a)(14)(iv)(C)(1)	to describe time limit for recording “discard or disposition information” (see also footnote 1).
(ii)(D)	(a)(14)(iv)(D)(1)	to describe time limit for recording “all other required information” (see also footnote 1).
(ii)(E)	(a)(14)(iv)(C)(2)	to describe time limit for “signing the completed DCPL logsheets” (see also footnote 1).
(ii)(F)	(a)(14)(iv)(C)(3)	to describe the time limit for submitting the goldenrod logsheet to the observer(see also footnote 1).
(iii)	(a)(7)(iii)(B) and (a)(7)(iii)(D)	to add heading “ <u>Required information, if inactive</u> ” and to add a cross reference to paragraph (c)(2) instead of duplicating that material (see also footnote 1).
(iv) introductory text	(a)(7)(i)(C) and (a)(7)(iii)(A)	to add heading “ <u>Required information, if active</u> ,” to add introductory text, and describe when a mothership is active (see also footnote 1).
(iv)(A)	(a)(6)(iii)(D)(1)	to describe “page number” and require that information for January 1 be recorded on page 1 whether or not receiving groundfish (see also footnote 1).
(iv)(B)	(a)(2)(iii) and (a)(5)(i)	to describe “printed name and signature of operator” (see also footnote 1).
(iv)(C)	(a)(5)(iv)	to describe “mothership identification” (see also footnote 1).
(iv)(D)	new	to describe “date” (see also footnote 1).
(iv)(E)	(a)(7)(xiv)	to describe “crew size” (see also footnote 1).
(iv)(F)	new	to describe “gear type”. This would add gear type of harvester.
(iv)(G)	(a)(7)(x)(b) and (a)(7)(xi)	to describe “Federal reporting areas” (see also footnote 1).

Paragraph under § 679.5(c)(6)	Derived from § 679.5 unless specified otherwise	Reason for change
(iv)(H)	(a)(7)(x)(C) and (a)(7)(xii)	to describe how to record fish harvested with trawl gear in the COBLZ or RKCSA (see also footnote 1).
(iv)(I)	(a)(7)(xiii)	to describe “observer information” (see also footnote 1).
(iv)(J)	(a)(7)(xv)	to describe recording of special “management programs” (see also footnote 1).
(v) introductory text	(a)(7)(ii)(A) and (a)(11)(i)	to add heading “ <u>Required delivery information</u> ” and to describe the section (see also footnote 1).
(v)(A)	(a)(6)(iii)(A)(1)	to describe “date of delivery” (see also footnote 1).
(v)(B)	(a)(6)(iii)(A)(1)(ii), (a)(11)(iii)(B), and (a)(11)(iii)(B)(1)	to describe “type of delivery” (see also footnote 1).
(v)(C)	(a)(11)(iii)(C)	to describe “non-submittal of discard report” (see also footnote 1).
(v)(D)	(a)(11)(iii)(D)	to describe “vessel identification” (see also footnote 1).
(v)(E)	(a)(11)(iii)(E)	to add heading “ <u>Receipt time</u> ”, describe the “receipt time”, and add that time should be in military format.
(v)(F)	(a)(11)(iii)(F)	to describe the coordinates for the “beginning position of receipt” (latitude and longitude).
(v)(G)	(a)(7)(iv)(A), (a)(7)(iv)(C)(4) and (a)(7)(iv)(C)(Z)(i)	to describe the “estimated total groundfish haul weight” and remove “haul weight” and replace with “haul weight”. This would correct an inadvertent error wherein “haul weight” was placed into regulations (see also footnote 1).
(v)(H)	new	to describe “IR/IU species” and to describe information requested in the mothership DCPL.
(v)(I)	(a)(11)(iii)(G)(1)	to describe “ADF&G fish ticket numbers” (see also footnote 1).
(vi) introductory text	(a)(7)(ii)(C) and (a)(9)(i)	to add heading “ <u>Product information</u> ” and to add introductory text (see also footnote 1).
(vi)(A) through (D)	(a)(9)(i)(A)	to describe recording of product data elements (see also footnote 1).
(vi)(E)	(a)(7)(iv)(B)	to describe summarizing “weekly cumulative product totals” (see also footnote 1).
(vi)(F)	(a)(7)(iv)(H)(2) and (3)	to describe the “zero product balance” (see also footnote 1).
(vi)(G)	(a)(9)(ii)	to describe “custom processing” (see also footnote 1).
(vii) introductory text	(a)(10)(i)(A)(1) and (a)(11)(i)	to add heading “ <u>Required discard or disposition information</u> ” and to describe the section (see also footnote 1).
(vii)(A), (B), and (C)	(a)(10)(vii)(A)	to describe data elements required for recording discard or disposition information (see also footnote 1).

<sup>1</sup>The information currently listed under § 679.5(a) for multiple catcher vessel and processor requirements would be revised under a new § 679.5(c)(6) to address specifically the mothership DCPL.

Buying Station Report (BSR)

In addition to implementing changes to regulations describing logbooks, this rule would expand and make minor revisions to § 679.5(d), which describes the buying station report (BSR). The BSR regulations would be revised to include complete BSR information rather than contain cross references to generalized tables of information formerly found in § 679.5(a). These measures would create self-contained, stand-alone BSR regulation text. Most of these proposed measures are technical in nature. Table 10 summarizes these revisions.

Table 10. Section 679.5(d) – Buying Station Report (BSR)		
Paragraph under § 679.5(d)	Derived from § 679.5 unless specified otherwise	Reason for change
(d)(1) introductory text		to remove (d)(1) introductory text because reference to paragraphs (a) and (b) no longer applies.
(1) heading	New	to read “ <u>Responsibility.</u> ”
(1)(i)	(a)(1)(i)(A)(3), (d)(1)(ii) and (d)(1)(iv)	to describe “responsibility” (see footnote 1).
(1)(ii)	(d)(1)(iii)	to describe documentation required to accompany each groundfish delivery from the landing site to the associated processor, including the printed ELB discard reports.
(1)(iii)	(a)(11)(ii)(B)	to describe a catcher vessel functioning as a buying station for its own catch.
(2)		to add heading “ <u>Data entry time limits</u> ” and to add “of a buying station” after “manager”.
(3) introductory text	New	to add heading “ <u>Required information, if inactive</u> ” and to describe that a buying station is not required to record information if inactive.
(4) introductory text	(a)(5)(v) and (d)(1)	to add heading “ <u>Required information, if active</u> ” and to add introductory text.
(4)(i)	(a)(6)(iii)(F)	to describe the original or revised report (see footnote 1).
(4)(ii)	(a)(5)(v)	to describe “name of buying station” (see footnote 1).
(4)(iii)	(a)(2)(iii) and (a)(5)(i)	to describe the operator or manager name and signature (see footnote 1).
(4)(iv)	(a)(7)(xv)	to describe the special management programs (see footnote 1).
(4)(v)	New	to describe “gear type” of harvester and to describe information requested on the BSR.
(4)(vi)	(a)(7)(xi)	to describe “Federal reporting area” (see footnote 1).
(4)(vii)	(a)(7)(xii)	to describe recording procedure if fishing occurred in the COBLZ or RKCSA (see footnote 1).
(4)(viii)	(a)(5)(v) and (d)(1)(i)	to describe “associated processor” and remove “Geographic location of plant” because the ADF&G processor code identifies this item.
(4)(ix) heading	New	to read “ <u>Catcher vessel delivery information</u> ”.

Paragraph under § 679.5(d)	Derived from § 679.5 unless specified otherwise	Reason for change
(4)(ix)(A)	(a)(11)(iii)(D)	to describe the identification information required from a catcher vessel making a delivery (see footnote 1).
(4)(ix)(B)	(a)(11)(iii)(C)	to describe recording the non-submittal of discard report (see footnote 1).
(4)(ix)(C)	(a)(11)(iii)(G)(2)	to describe “ADF&G fish ticket number” (see footnote 1).
(4)(ix)(D)	(d)(1)(v)	to describe the species codes and scale weight.
(4)(ix)(E)	(d)(1)(v)	to describe “groundfish hail weight”. Further “hail weight” would be substituted for “delivery weight” as a more accurate term.
(4)(x) heading	New	to read “ <u>Discard and disposition information</u> ”.
(4)(x)	(a)(10)(iii)	to describe the discard and disposition information (see footnote 1).

<sup>1</sup>The information currently listed under § 679.5(a) for multiple catcher vessel and processor requirements would be revised under § 679.5(d) to address specifically the buying station report (BSR).

#### IERS and eLandings

ADF&G, NMFS, and IPHC collect harvest data for management of groundfish, Pacific halibut, other finfish species, and shellfish species in the waters off Alaska. NMFS collects groundfish harvest data for FMP species in the EEZ through logbooks, WPRs, and SPELR. NMFS collects IFQ halibut, CDQ halibut, and IFQ sablefish harvest data through online system landing reports. ADF&G collects harvest data for species taken in the waters of the State of Alaska (State) and has responsibility for some fisheries in the EEZ which were delegated to the State via an FMP, such as lingcod, black rockfish, and demersal shelf rockfish. ADF&G maintains records of harvest through fish tickets for non-FMP species. ADF&G and NMFS cooperatively manage the Crab Rationalization Program fisheries in the BSAI through eLandings. The IPHC collects harvest data for management of IFQ Pacific halibut in both State waters and in the EEZ through an Internet recordkeeping system.

A new electronic reporting system, the IERS, was first implemented for use in the CR crab fisheries in August 2005. NMFS would require the use of eLandings, the data entry component of IERS, in place of the SPELR reporting system with this proposed rule for those programs currently required to use SPELR. NMFS also would require the use of eLandings in place of the online data entry system for IFQ halibut, CDQ halibut, and IFQ sablefish.

NMFS proposes that eLandings be used as a single reporting system for commercial harvest and production of groundfish, halibut, and crab. eLandings would allow processors and others to make all three required landings reports to regulatory agencies (NMFS, IPHC, and ADF&G) with a single reporting system. Using eLandings would remove reporting duplications, and once implementation is complete, eLandings would simplify recordkeeping and reporting. Additional benefits of the eLandings system include:

- Improved accuracy through immediate verification of permits, vessel identification, and other reported data;

- Timely catch reports for management agency use;
- Options for processors to import or export catch and production information; and
- Significant reduction in data entry by management agencies and processors for programs managed under any Federal program, such as IFQ.

Processors would report groundfish, crab, halibut, and sablefish landings on the eLandings website (<http://www.elandings.alaska.gov>) and print landings records in the ADF&G fish ticket format. Fish and shellfish would be reported and printed as daily at-sea or shoreside production reports. IFQ information would be printed in IFQ report format. Even though these reports are submitted to the agency electronically, paper copies of the reports would be maintained by the submitter for purposes of enforcement audits.

Clients with no web access, such as the at-sea fleet, would use eLandings desktop software to create reports and then submit landing reports as e-mail attachments. The vessels use satellite communications which may or may not include telephone, Internet, text messaging, email, and email attachment capabilities. Communication providers provide different types of satellite communications, and not all these have email attachment capability. Several different types of satellite communications telephone systems would meet the email attachment requirement. These include the Stratos, Iridium phone, Inmarsat A, Inmarsat B, Inmarsat M (or mini M), Fleet 66, and other Fleet models.

While the consolidation of agency reporting procedures appears straightforward, it is complicated by the varying nature of the reports. ADF&G fish tickets and NMFS paper and electronic reports are primarily historic records of harvests and deliveries, while IFQ reports are transactions that affect specific account balances and the ability of permit holders to make future landings.

ADF&G and NMFS began meeting in 1999 to address fishery data acquisition issues facing both agencies. IPHC joined the initiative to make comprehensive groundfish landing data available to all management agencies and to provide seafood processors with consistent and non-redundant means of reporting commercial harvests. The initial effort under this initiative coordinated the coding schemes for reports made on each of the agencies' systems; these codes are currently in use for existing systems. As the effort progressed, it became apparent that a single electronic reporting system for commercial landing data might be feasible. The Pacific States Marine Fisheries Commission (Pacific States) received a grant to fund development of an interagency electronic reporting system.

In late 2001, Pacific States engaged Wostmann & Associates (WAI), a Juneau-based consulting firm, to assess the potential electronic reporting needs of ADF&G, IPHC, and NMFS. In addition, WAI assessed the needs of the fishery processors required to provide landing and production data. The needs assessment covered

- Data requirements;
- Technological capabilities;
- Regulatory implications; and
- Procedural challenges that might affect the success of an electronic reporting system.

The assessment concluded that an integrated electronic reporting system would be feasible and could provide significant benefits to processors and the fishery management agencies.

The needs assessment recommended a staged development approach. Under this approach, limited development would occur and results would be analyzed before proceeding to the next development stage. The first stage was to develop a technology demonstrator using the technologies anticipated for use

in the IERS to simulate communications and processing needs. This first stage allowed evaluation of the system components, development environment, and communications infrastructure in use actual use in Alaska.

When the NMFS halibut and sablefish IFQ card-swipe reporting system was initially deployed in the mid-1990s, significant performance problems occurred due to communications lag times and failures, even though testing in Juneau had indicated that the system's data communication architecture was reliable. An important objective of the technology demonstrator was to prevent a repeat of that experience by testing the system communications architecture against the communications infrastructure in Alaska before the project committed to building the production software. Testing with the limited bandwidth and satellite communications used in remote Alaskan fishing ports provided important feasibility information for project decision making. Additionally, the knowledge gained helped software developers anticipate conditions IERS encounters in the field and allows for better design decisions to be made.

In the summer of 2003, Pacific States engaged WAI to develop the technology demonstrator and to report on the performance of Internet communications and systems infrastructures at seafood processor and agency locations around the state. WAI also evaluated the software development tools and software components used during the project. WAI concluded that a web-based reporting system was acceptable, and the technology demonstrator report provides the performance analysis and the assessment of the different technologies.

The primary program goals of IERS were identified as follows:

- Provide commercial fisheries landing and production data, by processors and catcher/processors, to agencies;
- Meet the primary data needs of each of the participating agencies;
- Adhere to regulations;
- Adhere to confidentiality requirements;
- Improve data quality;
- Improve data collection methods to reduce redundancy and to consider business constraints;
- Provide timely commercial catch statistics;
- Provide trip-based information; and
- Provide electronic and paper documentation.

In 2004, Pacific States awarded a contract to WAI for the development of IERS to be used for data collection by three separate agencies: ADF&G, NMFS, and IPHC. The system was developed under the leadership of the eLandings Steering Committee. eLandings is the data entry component of IERS, a web-based system. Users of eLandings receive immediate confirmation of data submission through the system. The submitted records are available for immediate retrieval through the web interface and no return receipt is required. The language remains the same for entities using the desktop version of IERS, and a return receipt is generated by the system.

In 2005, NMFS published a final rule (70 FR 10174, March 2, 2005) that required the use of eLandings for the CR Program. In 2006, NMFS published a proposed rule (71 FR 33040, June 7, 2006) and a final rule (71 FR 67210, November 20, 2006) stating that managers of shoreside processors or SFPs that are authorized Central GOA Rockfish Pilot Program processors must use SPELR or NMFS-approved software, instead of a logbook and WPR, to record Rockfish. If this proposed rule is approved and implemented, these Rockfish processors would be required to use eLandings instead of SPELR. NMFS

also authorized eLandings for voluntary processor data entry reporting of groundfish landings in place of SPELR.

Currently, § 679.5(e) describes the SPELR. If this proposed rule is approved and implemented, § 679.5(e) would be completely removed and replaced by a new § 679.5(e) containing eLandings regulatory text. All regulations describing IERS and eLandings requirements would be moved to this new section, even those describing eLandings for CR crab, which are currently at § 680.5. All participants that are currently required to use SPELR would now be required to use IERS. The term, “other NMFS-approved software” would be added throughout this section to indicate that software other than eLandings could be used for data entry if approved by NMFS. Table 11 summarizes these revisions.

Paragraph under § 679.5(e)	Derived from § 679.5 unless specified otherwise	Reason for change
(e)		remove this paragraph; because eLandings would replace SPELR.
(e) heading	new	to read “ <u>Interagency Electronic Reporting System (IERS) and eLandings</u> ”.
(e)(1) heading	new	to read “ <u>Responsibility</u> ”.
(1)(i)	(1)(2)(iv)(B)(1) and § 680.5(c) introductory text	to add heading “ <u>Hardware, software, and Internet connectivity</u> ” and to expand the current requirement for hardware, software, and Internet connectivity for data entry to include participants reporting groundfish, IFQ halibut, IFQ sablefish, CDQ halibut, CDQ crab, Adak crab, and IFQ crab information.
(1)(ii)	§ 680.5(d)(1)	to add heading “ <u>Joint and several liability</u> ” and to describe the requirement for specific permit holders and participants to provide accurate information when using eLandings.
(1)(iii) heading	new	to read “ <u>Computer or network failure.</u> ”
(1)(iii)(A)	new	to add a heading “ <u>Groundfish</u> ” and to describe the responsibility of the User to keep a groundfish logbook on hand as backup in case of computer or network failure when using eLandings for groundfish.
(1)(iii)(B)	§ 680.5(b)(10)	to add a heading “ <u>IFQ manual landing report for crab, halibut, and sablefish</u> ” and to describe the use of the IFQ manual landing report for crab, halibut, and sablefish as backup in case of computer or network failure when using eLandings.
(2) heading	new	to read “ <u>eLandings processor registration.</u> ”
(2)(i)	§ 680.5(c)(1)(i)	to describe the procedure to obtain a UserID.
(2)(ii)	§ 680.5(c)(1)(i) and (c)(1)(ii)	to describe the procedure for completion of an eLandings User Agreement Form.
(2)(iii)	§ 680.5(c)(1)(ii)	to describe the responsibility associated with signature on the registration form.
(2)(iv)	§ 680.5(c)(1)(ii)	to describe the UserID confirmation and to describe the steps a User must take when submitting the registration.

Table 11. New § 679.5(e) – Interagency Electronic Reporting System (IERS) and eLandings		
Paragraph under § 679.5(e)	Derived from § 679.5 unless specified otherwise	Reason for change
(3)	§ 680.5(c)(2)	to add heading “ <u>Information required for eLandings processor registration form</u> ” and add introductory text.
(3)(i)	new	to add heading “ <u>Operation type</u> ” and describe “operation type”.
(3)(ii)	new	to add heading “ <u>Operation name</u> ” and describe “operation name”.
(3)(iii)	new	to add heading “ <u>ADF&amp;G processor code and home port of shoreside processor, SFP, mothership, or catcher/processor</u> ”.
(3)(iv) heading	new	to read “ <u>Federal permit number</u> ”.
(3)(iv)(A) - (E)	new	to describe the permit number associated with the specific operation type.
(3)(v)	new	to add heading “ <u>Physical operation</u> ” and describe the information required if a buying station or custom processor.
(3)(vi)	new	to add heading “ <u>UserID registration for primary User</u> ” and describe the information required for a User.
(4)	new	to add heading “ <u>Information entered automatically for eLandings landing report</u> ” and to describe the fields that eLandings automatically fills using information from the processor registration records.
(5) heading	new	to read “ <u>Information entered for each groundfish delivery to a shoreside processor and SFP.</u> ”
(5)(i)	new	to add heading “ <u>Contents</u> ”, to add introductory text, and list the eLandings data elements required from a shoreside processor and SFP for each groundfish delivery.
(5)(ii)	new	to add heading “ <u>Signatures</u> ” and to describe signatures required on each landing report created by eLandings.
(5)(iii)	(a)(14)(iv)(E)(1)	to add heading “ <u>Submittal time limit</u> ” and to describe the time limit to enter the information listed at paragraphs (e)(5)(i) and (ii) into eLandings.
(6) heading	new	to read “ <u>Information entered for each groundfish delivery to a mothership.</u> ”
(6)(i)	new	to add heading “ <u>Contents</u> ”, to add introductory text, and list the eLandings data elements required from a mothership for each groundfish delivery.
(6)(ii)	new	to add heading “ <u>Signatures</u> ” and to describe signatures required on each landing report created by eLandings.
(6)(iii)	new	to add heading “ <u>Submittal time limit</u> ” and to describe the time limit to enter the information listed at paragraphs (e)(6)(i) and (ii) into eLandings.
(7) heading	new	to read “ <u>Information entered for each IFQ halibut, CDQ halibut, and IFQ sablefish delivery</u> ”.



Table 11. New § 679.5(e) – Interagency Electronic Reporting System (IERS) and eLandings		
Paragraph under § 679.5(e)	Derived from § 679.5 unless specified otherwise	Reason for change
(7)(i)	(l)(2)(iii)	to add heading “ <u>Contents</u> ” and list the eLandings data elements required for each IFQ halibut, CDQ halibut, and IFQ sablefish delivery. Some variables would be removed from the list because eLandings would autoload them.
(7)(ii)	§ 679.42(c)(1)(iii) and (iv)	to add heading “ <u>Signatures</u> ” and to describe signatures required on each landing report (ADF&G fish ticket) and IFQ receipt, and add the signature requirement for the IFQ manual landing report.
(7)(iii)	new	to read “ <u>Time limits</u> ”.
(7)(iii)(A)	(l)(2)(ii)(A)	to add heading “ <u>Landing hours</u> ” and to describe time range within which a landing of IFQ halibut, CDQ halibut, or IFQ sablefish may commence.
(7)(iii)(B)	(l)(2)(ii)(B)	to add heading “ <u>Landing completion</u> ” and to describe the 6 hour time limit to enter the information listed at paragraph (e)(7)(i) into eLandings.
(8) heading	new	to read “ <u>Information entered for each IFQ crab delivery</u> ”.
(8)(i)	§ 680.5(d)(7)	to add heading “ <u>Contents</u> ” and to list the eLandings data elements required for each IFQ crab delivery. Also, the following data elements would be removed because these elements are required by the state and are not collected in the IFQ database: ADF&G processor code of first purchaser; State of Alaska Interim Use Permit (IUP) number; Commercial Fisheries Entry Commission year sequence number; Indicate (YES or NO) whether a portion of the harvested IFQ crab was or will be delivered to another RCR (partial delivery); Number of pot lifts in each ADF&G statistical area; Number of crew, including operator and excluding observer(s); and Number of observers. And “gear code” would be removed because pot gear is the only legal gear allowed.
(8)(ii)	§ 680.5(d)(7)	to add heading “ <u>Signatures</u> ” and to describe signatures required on each landing report.
(8)(iii) heading	New	to read “ <u>Submittal time limits</u> ”.
(8)(iii)(A)	§ 680.5(d)(4)(ii)	to describe the 6 hour time limit to enter the information listed at paragraphs (e)(8)(i) and (ii) into eLandings after all crab is offloaded.
(8)(iii)(B)	§ 680.5(d)(4)(i)	to describe the time limit for a catcher/ processor to submit a weekly IFQ crab landing report.
(9)	§ 680.5(d)(8)	to add heading “ <u>Information entered for CR crab custom processing landings</u> ”, to describe CR crab custom processing information, and to update cross references.

Table 11. New § 679.5(e) – Interagency Electronic Reporting System (IERS) and eLandings		
Paragraph under § 679.5(e)	Derived from § 679.5 unless specified otherwise	Reason for change
(10) heading	new	to read “ <u>Shoreside processor or SFP information entered for eLandings production report</u> ”.
(10)(i)	new	to add heading “ <u>Contents</u> ” and describe information automatically filled by eLandings as well as that required from User.
(10)(ii)	new	to add heading “ <u>Submittal time limits</u> ” and to describe the time limit to enter the information listed at paragraph (e)(10)(i) into eLandings.
(11) heading	new	to read “ <u>Catcher/processor or mothership information entered for eLandings production report</u> ”
(11)(i)	new	to add heading “ <u>Contents</u> ”, to describe information automatically filled by eLandings, and information required from User.
(11)(ii)	new	to add heading “ <u>Submittal time limit (Effective until January 1, 2008)</u> ” and to describe time limits to enter production information into eLandings. (A) For the mothership the production report must be submitted daily by noon each day to record the previous day’s production information. (B) For the catcher/processor the production report must be submitted weekly by noon on Tuesday following the end of the applicable weekly reporting period.
(11)(ii)	new	to add heading “ <u>Submittal time limit (Effective January 1, 2008)</u> ” and to describe time limits to enter production information into eLandings. For the mothership and the catcher/processor the production report must be submitted daily by noon each day to record the previous day’s production information.
(12)	§ 679.5(f) and § 680.5(b)(8)	to add heading “ <u>eLandings printed reports</u> ” and to add introductory text. This would replace text at § 679.5(f) describing SPELR printed reports with revised text describing eLandings printed reports and describe signatures required on eLandings landing reports.
(13)	new	to add heading “ <u>Retention of eLandings printed reports</u> ” and provide cross reference to paragraph (a)(5).

#### Electronic Logbooks (ELBs) and Equipment and Operational Requirements

Currently, the regulations at § 679.5(f) describe SPELR printed reports. NMFS proposes to remove the description of SPELR printed reports and replace it with new text describing the ELBs. New paragraph (f) would describe ELB user reporting options and responsibilities; software requirements, data entry instructions, data export instructions; regular backup and correction of errors instructions; submittal time limits; standards for maintaining a DFL or DCPL onboard for emergency use; and printing and maintaining paper copies of ELB reports.

Early in the ELB development process, one vendor developed and supplied software for a NMFS pilot program for catcher vessels using trawl gear. Because the pilot program involved voluntary participants, no costs were involved other than the training time to learn how to use the software. The pilot program involved a dozen or more vessels, some of which still use the software instead of the DFL, despite that the software is no longer supported by the vendor. The pilot program demonstrated that electronic software is feasible onboard a catcher vessel. This action may foster the voluntary use of this software by codifying the conditions governing its adoption and application. Nothing in this action mandates the use of ELBs by fishing vessel operators. Fishermen could continue to submit the requested information using the existing DFL.

Vessels that currently use the ELB would be required to report inactive period dates, the reason for the inactivity, and the date and time when they start a trip after being inactive. This requirement duplicates a requirement in the DFL that the ELB is designed to replace.

This rule would extend the ELB option to catcher vessels and catcher/processors using longline or pot gear, catcher/processors using trawl gear, and to motherships.

The infrastructure to obtain information collected by fishermen using electronic logs already exists. If new vendors enter the marketplace, and more catcher vessels and catcher/processors use the software, NMFS’ costs of using catcher vessel log information actually may decrease with technological advances in ELB software.

NMFS proposes to update equipment and operational requirement regulations (§ 679.28). Minor revisions would remove outdated text and codify existing reporting practice for catch weighing and VMS operation regulations. A new section would be added to provide the process and criteria by which a private-sector vendor could get an ELB software program approved for use in the NMFS Alaska Region fisheries. Table 12 provides the proposed changes for this section.

Paragraph under § 679.28	Derived from § 679.28 unless specified otherwise	Reason for change
(a)		to add “catch monitoring and control plan, and catcher vessel electronic logbook software” to update the paragraph to recent additions to the text; to remove “This section does not require any vessel or processor to provide this equipment. Such requirements appear elsewhere in this part.” because 679.28(f)(6) does list requirements to use VMS.
(b)(2)(iii)		to state that scales be inspected and approved by a NMFS-staff scale inspector or an inspector designated by NMFS and trained by a NMFS-staff scale inspector.
(b)(2)(iv)	(b)(2)(v)	to simplify this language by removing unnecessary text.
(b)(2)(v)		to remove and reserve this paragraph because
(b)(2)(vi)(A)		to remove “authorized by the Regional Administrator” because the language is extraneous.
(c)(3)(i)		to correct a cross reference [found in REMOVE/ADD Table].
(f)(4)(i)	new	to describe how to register a VMS unit.

Paragraph under § 679.28	Derived from § 679.28 unless specified otherwise	Reason for change
(f)(4)(ii)	(f)(4)(i)	to add the fields for information requested on the VMS check-in report.
(f)(4)(iii)	(f)(4)(ii)	Redesignated
(f)(5)	(f)(5) introductory text, (f)(5)(i) and (f)(5)(ii)	to remove text describing an outdated procedure.
(h)	new	to add heading “ <u>ELB software</u> ” and to describe software for the four types of ELBs.
(h)(1)	new	to add heading “ <u>How do I get my ELB software approved by NMFS?</u> ” and to describe how to obtain specifications for ELB software.
(h)(1)(i)	new	to add heading “ <u>Specifications</u> ” and to describe the types of ELB software.
(h)(1)(ii)	new	to add heading “ <u>ELB submittal package</u> ” and to describe the information required for software approval from NMFS.
(h)(1)(iii)	new	to add heading “ <u>ELB approval</u> ” and to describe NMFS’ ELB requirements.
(h)(2) heading	new	to read “ <u>What if I need to make changes to NMFS-approved ELB software?</u> ”
(h)(2)(i)	new	to add heading “ <u>NMFS-instigated changes</u> ” and to describe procedure when NMFS makes changes in regulations that affect ELB software.
(h)(2)(ii)	new	to add heading “ <u>Developer-instigated changes</u> ” and to describe procedures for instituting developer-instigated changes to ELB software.
(h)(2)(iii)	new	to add heading “ <u>NMFS-approved ELB changes</u> ” and to describe procedure vendor must use to notify users of ELB updates.

#### Limitations on Use of QS and IFQ

NMFS proposes several revisions and edits to the regulations at § 679.42. Miscellaneous revisions include removing outdated text, reorganizing text, addition of a term “non-individual entity”, revisions regarding the occurrence where an approved IFQ allocation for one IFQ permit holder exceeds the limitations of catch and retention on a single vessel, and revisions regarding the allocation of quota share. Most of these proposed measures are technical in nature. Table 13 summarizes these revisions.

Table 13. Section 679.42 – Limitations on Use of QS and IFQ		
Paragraph under § 679.42	Derived from § 679.42 unless specified otherwise	Reason for change
(c)(1)(iii) and (c)(1)(iv)		paragraph (c)(1)(iii) would be redesignated as § 679.40(h)(1)(i); paragraph (c)(1)(iv) would be redesignated as § 679.40(h)(1)(i).
(c)(2) introductory text		paragraph (c)(2) introductory text would be redesignated as § 679.40(h)(1) introductory text.
(c)(2)(i)		paragraph (c)(2)(i) would be redesignated as § 679.40(h)(1) introductory text.
(c)(2)(ii)		1 <sup>st</sup> sentence of § 679.42(c)(2)(ii) would be redesignated as § 679.40(h)(1)(ii). 2 <sup>nd</sup> sentence of § 679.42(c)(2)(ii) would be redesignated as § 679.40(h)(2).
new (c)(2)	(j)(6)	“other entity” would be replaced with “non-individual entity” (meaning any type of entity other than a natural or human entity). This would remove “QS initial allocation of QS assigned to categories B, C, or D” and replace it with “an allocation of QS”, because this text refers to any allocation of QS. This would add “to the individual person level” to distinguish shareholders or partners; and add “or other non-individual entity” to accurately describe and include all entities to which this applies.
(c)(3)		this paragraph would be deleted because it duplicates text found at § 679.40(h)(3).
(h)(3)		to add heading “ <u>Excess</u> ” and to describe an exemption applicable in circumstances where an approved IFQ allocation for one IFQ permit holder exceeds the limitations of catch and retention on a single vessel.
(h)(4)	new	to add heading “ <u>Liability</u> ” and a description of a participant’s responsibility when harvest limitations are exceeded.
(j) introductory text		to add other non-individual entities to those entities already subject to the rule such as after “corporation or partnership”[found in REMOVE/ADD table].
(j)(6)	(j)(7)	paragraph (j)(7) would be redesignated as paragraph (j)(6).

### Miscellaneous part 679 Changes

NMFS proposes several revisions and edits to the regulations at 50 CFR part 679. Miscellaneous revisions include updating text to new procedures, removing outdated text, correction of cross references, addition of a prohibition regarding operation types on an FFP, revisions regarding the Sitka Pinnacles Marine Reserve, and revisions regarding the safety of observers who are transferred at sea between vessels. Table 14 summarizes these revisions.

Table 14. Miscellaneous part 679 Revisions and Edits		
part 679 Location	Derived from	Reason for change
§ 679.1 introductory text		to correctly cite the authorizing laws [found in REMOVE/ADD Table].
§ 679.1(a)(2)		to correctly cite the State of Alaska regulation [found in REMOVE/ADD Table].
§ 679.7(a)(1)(iii)	new	to provide a prohibition regarding operation type(s) on an FFP. This new provision would prohibit fishing operations other than what is specified on the vessel's FFP. This would support the changes made to § 679.4(b)(3) to simplify vessel operations categories.
§ 679.20(e) heading		to add the abbreviation "MRA". This would provide reference to the abbreviation which is found throughout the text [found in REMOVE/ADD Table].
§ 679.20(g)(2)(iii)		to correct a cross reference [found in REMOVE/ADD Table].
§ 679.21(a)(2)		to correct an inadvertent omission of SFPs [found in REMOVE/ADD Table].
§ 679.21(e)(1)(ii)		to correct a cross reference [found in REMOVE/ADD Table].
§ 679.21(e)(7)(vii)		to describe the applicable time period [found in REMOVE/ADD Table].
§ 679.22(b)(1)(iii)		by removing "open to any trawl other than a pelagic trawl gear year round" and replacing it with "open unless otherwise closed to trawling." [found in REMOVE/ADD table].
§ 679.22(b)(5)(i)		to revise text regarding groundfish fishing in the Sitka Pinnacles Marine Reserve, a closed area. This revision would not add any new requirements but would rather rearrange the text to describe that an FFP holder and any vessel named on an FFP may not anchor in the Reserve.
§ 679.22(b)(5)(ii)		to revise text that prohibits vessels with FFP's and IFQ permits from fishing and anchoring in the Sitka Pinnacles Marine Reserve, a closed area. This revision would state that persons, in addition to vessels, fishing under an IFQ halibut or sablefish permit may not fish or anchor in the Sitka Pinnacles Marine Reserve. It would further state that a vessel with an IFQ permit holder or IFQ card holder onboard may not be anchored in the Sitka Pinnacles Marine Reserve.

Table 14. Miscellaneous part 679 Revisions and Edits		
part 679 Location	Derived from	Reason for change
§ 679.40(c)(3)		to amend text regarding an IFQ permit. To remove “accompanied by a statement” and “as of January 31 of that year”, because NMFS no longer requires these provisions. To remove “after the beginning of each fishing year but prior to the start of the annual IFQ fishing season” and replacing it with “prior to the start of the IFQ fishing season”.
§ 679.40(h) heading	new	to read “ <u>Properly debited landing.</u> ”
§ 679.40(h)(1) introductory text	§ 679.42(c)(2) introductory text	§ 679.42(c)(2) introductory text would be redesignated as § 679.40(h)(1) introductory text and revised by removing “debit a CDQ or IFQ account” and replacing it with “debit a CDQ halibut, IFQ halibut, or IFQ sablefish account”.
§ 679.40(h)(1)(i)	§ 679.42(c)(2)(i)	§ 679.42(c)(2)(i) would be redesignated as § 679.40(h)(1)(i) and two cross references would be corrected.
§ 679.40(h)(1)(ii)	§ 679.42(c)(2)(ii)	1 <sup>st</sup> sentence of § 679.42(c)(2)(ii) would be redesignated as § 679.40(h)(1)(ii) and the words “(in pounds)” added to correlate with eLandings requirements and to provide a more precise instruction.
§ 679.40(h)(2)	§ 679.42(c)(2)(ii)	2 <sup>nd</sup> sentence of § 679.42(c)(2)(ii) would be redesignated as § 679.40(h)(2) and revised to remove unnecessary text.
§ 679.40(h)(3)	§ 679.5(l)(2)(i)(A)	§ 679.5(l)(2)(i)(A) would be redesignated as § 679.40(h)(3), “IFQ sablefish catch must be” would be removed and replaced with “IFQ sablefish catch onboard a vessel must be”.
§ 679.50(g)(1)(ix)(A)		This change would revise text regarding at-sea transfer of an observer by removing “via small boat or raft”. The result of this revision would be to increase safety of observer transfers regardless of the method of transfer. The change would also strengthen OLE’s ability to respond to unsafe observer transfer incidents. The OLE recently took enforcement action against a vessel operator who conducted a transfer of a NMFS certified observer at sea, at night, and without the observer’s consent. The transfer occurred between two vessels which were nested side to side. While the facts of the case were felt to have merit, the transfer was not conducted via raft or small boat; therefore, the elements of the violation were determined to have not been met.
§ 679.61(d)(1) and § 679.61(e)(1)		to correct a cross reference error [found in REMOVE/ADD Table].

Figures to part 679

NMFS proposes changes for Figures 3a, 5, 7, and 12 to part 679. The revisions to the figures add cross references to pertinent regulatory text, revise text within the figures, and reconcile figure titles and graphics with regulatory text. Table 15 summarizes these changes.

Table 15. Changes to part 679 Figures	
Figure No.	Reason for Change
3a	by redrawing the boundary to show that Reporting area 610 ends at 170 degrees, not 171 degrees as shown on the illustration. This revision would bring the graphic and regulatory coordinates into agreement.
5a	by removing the current figure title and adding in its place “Kodiak Island Closure Status for Vessels Using Non-pelagic Trawl Gear (see § 679.22(b)(1)).” The legend text “Type III Areas Open: reserved for announced closures” would be replaced with “Type III Areas Open: unless otherwise closed to trawling.”
7	by adding “(see § 679.24(d)(4))” at the end of the figure title to assist the reader in finding related text. Text within the figure would be revised by removing “DUTCH HARBOR” and by adding in its place “BERING SEA” for consistency between the figure and regulatory text.
12	by revising the figure title to read “Bristol Bay Trawl Closure Area (see § 679.22(a)(9))”. In addition, the legend text “Nearshore Bristol Bay Trawl Closure Area: CLOSED ALL YEAR” would be replaced with “Bristol Bay, as described in the current edition of NOAA chart 16006, is closed at all times in the area east of 162°00' W. long.” These revisions would reconcile the areas described in the figure with the text.

Tables to part 679

NMFS would remove Table 1 and replace it with Tables 1a, 1b, and 1c. NMFS proposes changes to Tables 2a, 2b, 2d, 4, 9, 10, 11, 12, 14a, 14b, and 15 to part 679 for use with IERS and also to correct minor errors. Table 16 summarizes these changes.

Table 16. Changes to part 679 Tables	
Table No.	Reason for Change
Table 1	Table 1 would be split into Table 1a, Table 1b, and Table 1c. This change would accommodate eLandings codes.
Table 1a	to add title “ <u>Delivery Condition and Product Codes</u> ” to accommodate eLandings. Shellfish codes would be added from Tables 3a and 3b to part 680: 75 (soft shell crab), 79 (deadloss), 80 (sections), and 81 (meat) and one additional code, 76 (bitter crab).
Table 1b	to add title “ <u>Discard and Disposition Codes</u> ”, list the discard and disposition codes previously in Table 1; add code 60 (whole fish sold for human consumption), code 61 (bait/whole fish sold), code 62 (overage), code 63 (confiscated), code 64 (tagged fish, exempt from IFQ), code 79 (deadloss, crab only), and code 87 (halibut retained for future sale). Remove code 02 (whole fish/bait, sold). These changes would accommodate IERS.



Table 16. Changes to part 679 Tables	
Table No.	Reason for Change
Table 1c	to add title “ <u>Product Type Codes</u> ” and list the product designation codes previously listed in Table 1.
Table 2a	to add “North Pacific” to the term “Octopus” and to add “majestic” to the term “Squid” to better define these terms.
Table 2b	to remove crab species previously listed in Table 2d and list them in Table 2b to keep all shellfish together. Scientific names for the prohibited species in this table would be added. The management program under which these codes are used (CR crab or Groundfish PSC) would be added to distinguish between these programs and the different use of crab. When in the CR Program, participants directly fish for crab and record the crab as catch. In the groundfish fisheries, these same crab are prohibited, must be returned to the sea, and are recorded as PSC discard. These changes to Table 2b would accommodate IERS.
Table 2d	to add species codes “880 Pacific oyster”, “211 Wrymouth”, and “217 wolf eel”; to remove “720 albacore” and “515 surf smelt”; to revise 810 to read “Washington butter clam”, 815 to read “Pacific geoduck clam”, 840 to read “Pacific littleneck clam”, 830 to read “Pacific razor clam”, and 812 to read “Arctic surf clam” and create a subsection for shellfish to accommodate IERS.
Table 4	to correct a typographical error for the latitude for Chowiet Island.; the coordinates are correct on Table 5.
Table 9	by removing “daily production report (DPR)” and “SPELR”, because these items would be removed from the regulations. This action also would add records for eLandings and update records for VMS. In addition, scale and weight records would be updated and a new record would be added for a video monitoring system which was added by the rockfish final rule although Table 9 was not changed to reflect the addition.
Table 10	by adding footnote 12 to describe an existing term, “aggregated non-groundfish”. This would amend this term and describe its use in determining maximum retainable amounts (MRAs) for GOA incidental catch species. The footnote would specifically state that IFQ halibut are considered part of the basis species, “aggregated non-groundfish”.
Table 11	by adding an eighth footnote to describe an existing term, “aggregated non-groundfish”. This addition would further explain these terms and their use in determining maximum retainable amounts (MRAs) for BSAI incidental catch species; the footnote specifically states that IFQ and CDQ halibut are considered part of the basis species, “aggregated non-groundfish.” Changes to footnotes 4 and 7 would update the table cross reference. A change to footnote 3 would remove outdated text. The last sentence of footnote 4 would be removed, because NMFS no longer manages these three species as a species group in the CDQ Program. They are managed as three individual quota categories, the same as they are managed for the non-CDQ fisheries in the BSAI.
Table 12	to correct a typographical error for the latitude for Chowiet Island; the coordinates are correct on Table 5.
Table 14a	to add a port code for Larson Bay, Alaska, and to remove a port code for Halibut Cove, Alaska. These changes would accommodate eLandings.
Table 14b	to add a port code for Vancouver, British Columbia, Canada. This change would accommodate eLandings
Table 15	to divide the table into 3 subsections – Table 15a – NMFS & ADF&G Gear Codes, Table 15b – ADF&G Gear Codes, and Table 15c – Fixed Gear. This would also remove outdated material, and add new material required for eLandings.

Miscellaneous Revisions to part 680

NMFS proposes several changes to 50 CFR part 680 that would correct miscellaneous errors, revise certain definitions, reorganize eLandings text, and add a CR Registered Crab Receiver Ex-vessel Volume and Value Report. Table 17 summarizes these changes.

Table 17. Miscellaneous Revisions to part 680		
Paragraph under part 680	Derived from	Reason for change
Paragraphs (1) through (4) of the definition for “Crab individual fishing quota (crab IFQ)” § 680.2		to revise “Catcher vessel crew (CVC) IFQ”, “Catcher vessel owner (CVO) IFQ”, “Catcher/processor owner (CPO) IFQ”, and “Catcher/processor crew (CPC) IFQ” such that each is a unique and complete description of the term.
Definition for “sideboards” under § 680.2	new	to read: “(see § 680.22)”. This definition is explained in introductory paragraph 680.22. Because the term “sideboards” is used frequently in the text, the addition of a cross reference would be helpful to the reader.
§ 680.4(d)(3)		to include cooperatives in IFQ permit issuance. Current language limits IFQ issuance to QS holders and does not include cooperatives in the IFQ permit issuance. Cooperatives file annual applications for IFQ permits and receive IFQ permits but do not hold QS. Also, recipients of transfers may not be eligible for IFQ or IPQ without completing an annual application for IFQ/IPQ with the transfer. The proposed language is necessary to allow for all parties that may be able to receive IFQ, to receive it.
§ 680.5(a)(2)(i)(G)		to correct a cross reference to read “§ 679.5(e)(9)”. This change would provide the new location for the CR crab landing report information [found in REMOVE/ADD Table].
§ 680.5(b)		removed; this information would be integrated into § 679.5.
§ 680.5(b) heading	new	to read “ <u>IFQ crab landings.</u> ”
§ 680.5(b)(1)	§ 680.5(d)	to add a cross reference to § 679.5(e).
§ 680.5(b)(2)	§ 680.5(b)(1)	to remove “retained crab catch” and replace it with “landed crab catch” and to add a cross reference to § 679.5(e).
§ 680.5(c) and (d)		removed; these paragraphs would be integrated into § 679.5.

Paragraph under part 680	Derived from	Reason for change
§ 680.5(m)		to add a CR Registered Crab Receiver Ex-vessel Volume and Value Report. Addition of this form would change the requirement to report the price from mandatory to optional on the IFQ crab landing report, because the price is not accurate at the time of landing. An additional effect would be the removal of a requirement for an RCR who receives a landing of CR crab harvested under the CDQ or Adak community allocation programs to submit for each landing the price per pound. Instead, each RCR would be required to submit a CR Registered Crab Receiver Ex-vessel Volume and Value Report near the end of the crab fishing year. An accurate report of crab value is important for assessing fees for the CR crab fisheries.
§ 680.7(e)(1)		to state that a legible copy of a valid crab IFQ permit is required to be onboard, not the original IFQ permit [found in REMOVE/ADD Table].
§ 680.20(g)(2)(ix)		to remove a cross reference to a paragraph that no longer exists [found in REMOVE/ADD Table].
§ 680.23(b)(4)		to correct text by removing “Land all product processed onboard” and replacing it with “Offload all CR crab product processed onboard”. In addition, by removing “on a scale approved by a state in which CR crab is landed” and replacing it with “on a scale approved by the state in which the CR crab product is removed from the vessel that harvested the CR crab”. This would state that CR crab product can be offloaded in a state other than Alaska and weighed on a scale certified by that State.
§ 680.40(c)(2)(vi)(A)		to correct a cross reference [found in REMOVE/ADD Table].
§ 680.44(a)(2)(i)		to correct the text to exclude personal use/ deadloss/ confiscated crab from calculation of fees. Personal use and deadloss crab are debited from the IFQ holder's allocation; however, they do not have ex-vessel values and are not considered in assessing fees. Crab confiscated by NMFS or the State of Alaska, for example crab harvests in excess of the IFQ amount, are not subject to the fees under § 680.44. This proposed language revises the regulations to state that fees are not assessed for these types of crab.