

**§ 679.27 Improved Retention/Improved Utilization Program.**

**(a) Applicability.**

The owner or operator of a vessel that is required to obtain a Federal fisheries or processor permit under § 679.4 must comply with the IR/IU program set out in this section while fishing for groundfish in the GOA or BSAI, fishing for groundfish in waters of the State of Alaska that are shoreward of the GOA or BSAI, or when processing groundfish harvested in the GOA or BSAI.

**(b) IR/IU species.**

The following species are defined as "IR/IU species" for the purposes of this section:

- (1) Pollock.
- (2) Pacific cod.

(3) Shallow-water flatfish species complex in the GOA as defined in the annual harvest specifications for the GOA (**beginning January 1, 2003**).

**(4) (Effective January 20, 2008)**

All species listed in Table 2a to this part for purposes of the GRS program described in paragraph (j) of this section, except for groundfish in prohibited species status at the end of each reporting week

**(c) Minimum retention requirements.**

**(1) Definition of retain on board.**

Notwithstanding the definition at 50 CFR 600.10, for the purpose of this section, to retain on board means to be in possession of on board a vessel.

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

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

**(d) Bleeding codends and shaking longline gear.**

Any action intended to discard or release an IR/IU species prior to being brought on board the vessel is prohibited. This includes, but is not limited to bleeding codends and shaking or otherwise removing fish from longline gear.

**(e) At-sea discard of product.**

Any product from an IR/IU species may not be discarded at sea, unless such discarding is necessary to meet other requirements of this part.

**(f) Discard of fish or product transferred from other vessels.**

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

**(g) IR/IU species as bait.**

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

**(h) Previously caught fish.**

The retention and utilization requirements of this section do not apply to incidental catch of dead or decomposing fish or fish parts that were previously caught and discarded at sea.

**(i) Minimum utilization requirements.**

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

If...	then your total weight of retained or lawfully transferred products produced from your catch or receipt of that IR/IU species during a fishing trip must...
(1) directed fishing for an IR/IU species is open,	equal or exceed 15 percent of the round-weight catch or round-weight delivery of that species during the fishing trip.
(2) directed fishing for an IR/IU species is prohibited,	equal or exceed 15 percent of the round-weight catch or round-weight delivery of that species during the fishing trip or 15 percent of the MRA for that species, whichever is lower.
(3) retention of an IR/IU species is prohibited,	equal zero.

**(j) Groundfish retention standard (Effective January 20, 2008)**

**(1) Applicability.**

**(i)** The operator of a catcher/processor **not listed in § 679.4(I)(2)(i), not assigned to an Amendment 80 cooperative, and using trawl gear in the BSAI** must comply with the GRS set forth under paragraph **(j)(4)** of this section while fishing for or processing groundfish caught from the BSAI from January 1 through December 31 of each year.

**(ii) An Amendment 80 cooperative and the members of an Amendment 80 cooperative must comply with the GRS set forth under paragraph (j)(4) of this section while fishing for or processing groundfish caught from the BSAI from January 1 through December 31 of each year.**

(iii) No part of the GRS supersedes minimum retention or utilization requirements for IR/IU species found in this section.

(2) Percent of groundfish retained calculation for a catcher/processor not in an Amendment 80 cooperative. For any fishing year, the percent of groundfish retained by each **catcher/processor not listed in § 679.4(i)(2)(i), not assigned to an Amendment 80 cooperative, and using trawl gear in the BSAI will be calculated** using the following equations:

$$GFroundweight = \sum_{i=1}^n (PWspecies_{in} / PRRspecies_{in})$$

Substituting the value for GF roundweight into the following equation,

$$GRF\% = (GFroundweight/TotalGF)*100$$

Where:

GFroundweight = the total annual round weight equivalent of all retained product weights for each IR/IU groundfish species.

PWspecies<sub>n</sub> = the total annual product weight for each groundfish species listed in Table 2a to this part by product type as reported in the vessel's weekly production report required at § 679.5(i).

PRRspecies<sub>n</sub> = the standard product recovery rate for each groundfish species and product combination listed in Table 3 to this part.

GFR% = the groundfish retention percentage for a vessel calculated as GFroundweight divided by the total weight of groundfish catch.

$$GFroundweight = \sum_{i=1}^n (PWspecies_{in} / PRRspecies_{in})$$

**Substituting the value for GFroundweight into the following equation:**

$$GFR\% = (GFroundweight / TotalGF) * 100$$

Where:

**GFroundweight is the total annual round weight equivalent of all retained product weights retained by all Amendment 80 vessels assigned to that Amendment 80 cooperative for each IR/IU groundfish species.**

**PWspecies<sub>n</sub> is the total annual product weight for each groundfish species listed in Table 2a to this part by product type as reported in the vessel's weekly production report for all Amendment 80**

TotalGF = the total groundfish catch weight as measured by the flow scale measurement, less any non-groundfish, PSC species or groundfish species on prohibited species status under § 679.20.

**(3) Percent of groundfish retained calculation for an Amendment 80 cooperative.**

**For each Amendment 80 cooperative, for any fishing year, the percent of groundfish retained by that Amendment 80 cooperative is based on the aggregate groundfish retained by all Amendment 80 vessels assigned to that Amendment 80 cooperative and will be calculated using the following equations:**

**vessels assigned to that Amendment 80 cooperative required at § 679.5(i).**

**PRRspecies<sub>n</sub> is the standard product recovery rate for each groundfish species and product combination listed in Table 3 to this part.**

**GFR% is the groundfish retention percentage for an Amendment 80 cooperative calculated as GFroundweight divided by the total weight of groundfish catch.**

**TotalGF is the total groundfish round catch weight for all Amendment 80 vessels assigned to that Amendment 80 cooperative as measured by the flow scale measurement, less any nongroundfish, PSC species or groundfish species on prohibited species status under § 679.20.**

**(4) Minimum groundfish retention standard.**

**An Amendment 80 cooperative or a catcher/processor not listed in § 679.4(I)(2)(i), not assigned to an Amendment 80 cooperative, and using trawl gear in the BSAI must comply with the annual minimum groundfish retention standard requirements displayed in the following table:**

**GROUNDFISH RETENTION STANDARD**

<b>Year</b>	<b>Annual GRS (percent)</b>
2008	65
2009	75
2010	80
2011 and each year after	85

**(5) Monitoring requirements.**

(i) Observer coverage requirements. In addition to complying with minimum observer coverage requirements at § 679.50(c), **the owner of an Amendment 80 vessel or any other catcher/processor not listed in § 679.4(I)(2)(i) and using trawl gear in the BSAI**, must comply with observer coverage requirements as described at §§ 679.50(c)(6), and 679.7(m)(3) at all times the vessel is used to harvest groundfish in the BSAI with trawl gear.

(ii) Catch weighing. For each haul, all catch **by an Amendment 80 vessel or any other catcher/processor not listed in § 679.4(I)(2)(i) and using trawl gear in the BSAI** must be weighed on a NMFS-approved scale and made available for sampling by a NMFS-certified observer at a single location. The owner or operator **of an Amendment 80 vessel or a catcher/processor not listed in § 679.4(I)(2)(i) and using trawl gear in the BSAI** must ensure that the vessel is in compliance with the scale requirements described at § 679.28(b), that each haul is weighed separately, and that no sorting of catch takes place prior to weighing. All weighed catch must be recorded as required at § 679.5(a)(7)(iv)(C).

(iii) Observer sampling station. The owner or operator of **an Amendment 80 vessel or any other catcher/processor not listed in § 679.4(I)(2)(i) and using trawl gear in the BSAI** must provide an observer sampling station as described at § 679.28(d) and the **owner of the vessel must ensure** that the vessel operator complies with the observer sampling station requirements described at § 679.28(d) at all times the vessel is used to harvest groundfish in the BSAI. In addition to the requirements at § 679.28(d)(7)(ii), observers must be able to sample all catch from a single point along the conveyer belt conveying unsorted catch, and when standing where unsorted catch is collected, the observer must be able to see that no catch has been removed between the bin **and the location along the conveyer belt at which the observers collect their samples.**

**(6) Requirements for vessels that also harvest groundfish outside of the BSAI.**

The operator **of an Amendment 80 vessel, or any other vessel required to comply with paragraph (j) of this section**, must offload or transfer all fish or fish product prior to harvesting fish outside the BSAI, unless the operator of the vessel is in compliance with the recordkeeping and reporting and monitoring requirements described at § 679.5(a)(7)(iv)(C) and paragraph **(j)(5)** of this section at all times the vessel harvests or processes groundfish outside the BSAI.

**(7) Requirements for vessels receiving deliveries of unsorted catch.**

The owner or operator of **an Amendment 80 vessel, or any other vessel required** to comply with this paragraph (j) at any time during a fishing year and **who** also receives deliveries of unsorted catch at any time during a fishing year must comply with paragraph **(j)(5)** of this section while processing deliveries of unsorted catch