

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 10/10/2006

Department of Commerce  
National Oceanic and Atmospheric Administration  
FOR CERTIFYING OFFICIAL: Barry West  
FOR CLEARANCE OFFICER: Diana Hynek

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 07/11/2006

ACTION REQUESTED: Extension without change of a currently approved collection  
TYPE OF REVIEW REQUESTED: Regular  
ICR REFERENCE NUMBER: 200607-0648-006  
TITLE: Northwest Region Logbook Family of Forms  
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change  
OMB CONTROL NUMBER: 0648-0271

The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 10/31/2009

DISCONTINUE DATE:

| BURDEN:                                      | RESPONSES | HOURS | COSTS  |
|----------------------------------------------|-----------|-------|--------|
| Previous                                     | 5,600     | 1,382 | 10,000 |
| New                                          | 5,600     | 1,374 | 9,000  |
| Difference                                   |           |       |        |
| Change due to New Statute                    | 0         | 0     | 0      |
| Change due to Agency Discretion              | 0         | -8    | -1,000 |
| Change due to Agency Adjustment              | 0         | 0     | 0      |
| Change Due to Potential Violation of the PRA | 0         | 0     | 0      |

TERMS OF CLEARANCE:

OMB Authorizing Official: John F. Morrall III  
Acting Deputy Administrator,  
Office Of Information And Regulatory Affairs

List of ICs

| IC Title                                    | Form No. | Form Name | CFR Citation |
|---------------------------------------------|----------|-----------|--------------|
| Northwest Region<br>Logbook Family of Forms |          |           |              |

# PAPERWORK REDUCTION ACT SUBMISSION

**Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Agency/Subagency originating request                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 2. OMB control number <span style="float: right;">b. <input type="checkbox"/> None</span><br>a. _____ - _____                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 3. Type of information collection ( <i>check one</i> )<br>a. <input type="checkbox"/> New Collection<br>b. <input type="checkbox"/> Revision of a currently approved collection<br>c. <input type="checkbox"/> Extension of a currently approved collection<br>d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired<br>e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired<br>f. <input type="checkbox"/> Existing collection in use without an OMB control number<br>For b-f, note Item A2 of Supporting Statement instructions | 4. Type of review requested ( <i>check one</i> )<br>a. <input type="checkbox"/> Regular submission<br>b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____<br>c. <input type="checkbox"/> Delegated                                                                                                                                                                                                                                                                                                                          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 5. Small entities<br>Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 6. Requested expiration date<br>a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____                                                                                                                                                                                                                                                                                                                                                                                                         |
| 7. Title                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 8. Agency form number(s) ( <i>if applicable</i> )                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 9. Keywords                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 10. Abstract                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 11. Affected public ( <i>Mark primary with "P" and all others that apply with "x"</i> )<br>a. ___ Individuals or households d. ___ Farms<br>b. ___ Business or other for-profit e. ___ Federal Government<br>c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government                                                                                                                                                                                                                                                                                                                                                                                         | 12. Obligation to respond ( <i>check one</i> )<br>a. <input type="checkbox"/> Voluntary<br>b. <input type="checkbox"/> Required to obtain or retain benefits<br>c. <input type="checkbox"/> Mandatory                                                                                                                                                                                                                                                                                                                                                       |
| 13. Annual recordkeeping and reporting burden<br>a. Number of respondents _____<br>b. Total annual responses _____<br>1. Percentage of these responses collected electronically _____ %<br>c. Total annual hours requested _____<br>d. Current OMB inventory _____<br>e. Difference _____<br>f. Explanation of difference<br>1. Program change _____<br>2. Adjustment _____                                                                                                                                                                                                                                                                                                      | 14. Annual reporting and recordkeeping cost burden ( <i>in thousands of dollars</i> )<br>a. Total annualized capital/startup costs _____<br>b. Total annual costs (O&M) _____<br>c. Total annualized cost requested _____<br>d. Current OMB inventory _____<br>e. Difference _____<br>f. Explanation of difference<br>1. Program change _____<br>2. Adjustment _____                                                                                                                                                                                        |
| 15. Purpose of information collection ( <i>Mark primary with "P" and all others that apply with "X"</i> )<br>a. ___ Application for benefits e. ___ Program planning or management<br>b. ___ Program evaluation f. ___ Research<br>c. ___ General purpose statistics g. ___ Regulatory or compliance<br>d. ___ Audit                                                                                                                                                                                                                                                                                                                                                             | 16. Frequency of recordkeeping or reporting ( <i>check all that apply</i> )<br>a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure<br>c. <input type="checkbox"/> Reporting<br>1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly<br>4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually<br>7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____ |
| 17. Statistical methods<br>Does this information collection employ statistical methods<br><input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 18. Agency Contact (person who can best answer questions regarding the content of this submission)<br><br>Name: _____<br>Phone: _____                                                                                                                                                                                                                                                                                                                                                                                                                       |

## 19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

**NOTE:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

|                                                                                                                                            |      |
|--------------------------------------------------------------------------------------------------------------------------------------------|------|
| Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office) |      |
| Signature                                                                                                                                  | Date |
| Signature of NOAA Clearance Officer                                                                                                        |      |
| Signature                                                                                                                                  | Date |

**SUPPORTING STATEMENT  
NORTHWEST REGION LOGBOOK FAMILY OF FORMS  
OMB CONTROL NO.: 0648-0271**

This collection is authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP), which was developed by the Pacific Fisheries Management Council (Council) under the Magnuson-Stevens Fisheries Conservation Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 et seq. The FMP governs the groundfish fishery off Washington, Oregon, and California (WOC).

This information collection takes the form of a comprehensive Federal Fisheries data collection program which includes recordkeeping and reporting requirements for fish processing vessels over 125 feet in length (at-sea processors which includes catcher/processors and motherships) and catcher vessels that deliver to motherships operating in the WOC.

This data collection statement was originally submitted for review in 1991. The proposed rule was not published in the Federal Register until November 19, 1992 (57 FR 54552). For a number of reasons, mainly changes in priorities, the final rule has not been filed. The at-sea processing industry has recognized the importance of these data requirements and continues to submit voluntarily most of the information covered by this information collection. This cooperation has been exceptional, but it may not continue indefinitely and therefore we expect to complete the rulemaking process. We therefore are requesting continued approval of this information collection.

This collection of information requires that: (1) All processing vessels that process their own catch maintain Daily Fishing and Cumulative Production (DFCPL) and Transfer/Offloading Logs; (2) All processing vessels (motherships) that receive fish from fishing vessels must maintain the Daily Report of Fish Received and Cumulative Production Logbooks (DRCPL) and Transfer/Offloading Logbooks; (3) All fishing vessels delivering unprocessed groundfish to a processing vessel must maintain the daily fishing part of the DFCPL; (4) All processing vessels must notify the Northwest Region, National Marine Fisheries Service (NMFS) 24 hours before the initiation of fishing, receiving or processing, and 24 hours prior to leaving the WOC fishing area; and (5) All processing vessels submit, on at least a weekly basis, catch information that would summarize daily production by species and product form.

Regulations implementing the information collection are necessary to provide adequate information on which to base both in-season and inter-season management decisions affecting the Pacific groundfish resource, particularly Pacific whiting, and the fisheries that utilize it. A copy of the proposed regulations implementing the information collection is attached.

**A. JUSTIFICATION**

**1. Explain the circumstances that make the collection of information necessary.**

Joint venture (JV) and foreign Pacific whiting fisheries off WOC supplied valuable biological and fishery performance information through the foreign logbook and observer programs. Until 1991, these fisheries were the principal source of fishery management data used for both in-season monitoring of the Pacific whiting fishery and for evaluating existing and proposed

management measures. By 1991, foreign and joint venture operations were completely displaced by domestic operations, as intended by the Magnuson-Stevens Act. However, logbook data necessary for management decisions was not available from the domestic processing fleet.

The need for this information is explicit in the management goals and objectives established by the Council, as well as in the Magnuson-Stevens Act, Executive Order 12866, the Regulatory Flexibility Act, and other relevant Federal regulations. Complete these Federal regulations mandate, for example, that concise biological and economic analysis to assess all relevant effects of proposed changes in management measures. These regulations place specific burdens upon the Council and the Secretary of Commerce to consider the biological, economic, and social implications of, not only a preferred alternative, but of other reasonable options available to them. Attainment of this level of assessment is highly dependent upon the quality and timeliness of the biological and economic data available for analysis.

Most fishing vessels that harvest groundfish off WOC deliver their fish to port in one of the three states fairly frequently. The shore-side processors receiving the fish submit fish tickets to the States in a timely manner. The vessels also submit fishing logbooks to the States that provide the catch and effort data needed to provide a management database. However, large processing vessels and the harvesting vessels that deliver to them may not land fish shoreside in the WOC at all, and thus they will not be providing the fish ticket and logbook information provided by smaller vessels. Most processors do not land shoreside in the WOC. However, some vessels do, but processed products may be landed after such a long period at sea that the information is too late to do any good in quota monitoring. Thus, this reporting requirement is designed to apply to large processing vessels, and catcher vessels that deliver to them, and are not covered by current state reporting requirements.

The information being requested from these vessels is particularly important because this fishery has the potential to have a large impact on the resource and the National Oceanic and Atmospheric Administration (NOAA) needs to be able to monitor it in real time. NOAA and the Council need the monitoring program to understand the impact of the fishery not only on the Pacific whiting resource, but also on other resources in the area. In general terms, this information includes the following: 1) fishing effort; 2) retained Pacific groundfish catch; 3) discard amounts including prohibited species; 4) production; and 5) employment.

Inadequate information can adversely affect the viability of the domestic industry in the very competitive world market for whiting. Although the at-sea processing fleet has submitted most of this information voluntarily, we cannot assume it will continue to do so. The lack of adequate information could result in the fishery management decision-making process being less objective, more political, and potentially less equitable, and could result in allocations or harvest guidelines being exceeded. This can decrease the credibility of the fishery management process and result in an unnecessarily costly and ineffective management system.

**2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with applicable NOAA Information Quality Guidelines.**

This section summarizes the type of information that is recorded and reported by the operators of

vessels subject to these regulations and some of the more important uses of the information collected. Without this information collection, Federal management of the WOC Pacific whiting fisheries will be plagued with the problems discussed above that evolve from inadequate fishery information. Continuation of these problems could have adverse impacts on (1) the long-term biological stability and economic yield of the Pacific whiting resource; (2) the efficiency and economic viability of the domestic Pacific whiting industry; and (3) the credibility of the fishery management process itself.

The specifics of how, by whom, and for what purpose this information would be used is explained below; examples of logbook and reporting forms are presented in the Appendix.

**DAILY FISHING AND CUMULATIVE PRODUCTION LOG (DFCPL);  
DAILY REPORT OF FISH RECEIVED AND CUMULATIVE PRODUCTION LOG (DRCPL):** Processing vessels that process their own catch would be required to maintain a DFCPL. Motherships (processing vessels that only receive fish from harvesting vessels) would be required to maintain a DRCPL. The DFCPL and DRCPL are identical except that the DFCPL combines the production log with a fishing log and the DRCPL combines the production log with a record of fish received from other vessels. Harvesting vessels delivering to a processing vessel would be required to maintain the fishing log section of the DFCPL. The DFCPL and DRCPL logs record daily catch or catch receipt information, along with daily and cumulative production information.

The daily fishing portion of the DFCPL includes: 1) vessel and gear specifications; 2) haul by haul information; 3) daily information on discards; and 4) information on daily vessel activity. The haul by haul information includes the date, time, location, sea depth, trawl depth, haul weight, duration of haul. (The same information would be provided for sets if longline or pot gear is used.) The crew size information is broken out by fishing and processing crews where appropriate. The discard information is for Pacific whiting, other groundfish, and for prohibited species. The estimated daily discards of halibut, crab, and salmon are recorded in numbers. All other species discard estimates are recorded by weight. The effort information is used for in-season enforcement and for biological and economic evaluations of existing and proposed fishery management measures. The former consists primarily of activities associated with verifying information reported in Weekly Production Reports (WPR).

Original copies of the logs should remain on the vessels until the end of the fishing year (or longer if product remains on board from the WOC fishery) and should be made available to NMFS observers and to enforcement officers. Processing vessels would be required to make the daily fishing log information for its catcher vessels available to the observer onboard the vessel. Observers will collect the effort data and use other information in the logs to assist in meeting their data collection responsibilities. The discard information maintained in the logs will assist those responsible for completing the WPR which include estimates of discards.

Information relating to estimated haul weight or catch receipt weight should be recorded in the DFCPL or DRCPL within two hours of catch or catch receipt time. Timely recording of this information is necessary: to minimize the possibility of mixing information from different hauls; so enforcement officers may account for unrecorded product inventory during at-sea inspections of the vessel; and so observers can provide managers with real-time data necessary for total whiting catch estimates. Other entries in the DFCPL and DRCPL should be updated within 12



hours of the end of the day on which the haul, receipt, or production occurred.

Each page of the DFCPL and DRCPL includes entries from only one statistical area and gear type to facilitate preparation of the WPR by processors. The WPR reflects the cumulative weekly production, as recorded in the DFCPL or DRCPL, and is used for in-season monitoring of quotas and harvest guidelines. Because quotas and harvest guidelines are often specified by statistical area and gear type, cumulative weekly production amounts must be recorded and reported by these same qualifiers.

The DFCPL and DRCPL also record daily discards by the processor. This information, along with discard information provided to processors by catcher vessel operators, is reported on the WPR and used to obtain information relating to total fishing mortality resulting from fishing operations. A comprehensive observer program will provide Pacific whiting, other groundfish, and prohibited species discard information from a significant portion of the industry. Observers need access to discard information recorded in the logs to help assess their estimates of discard amounts, particularly of prohibited species. Furthermore, all catcher vessels and processors must record discard information to provide at least a minimum estimate of discard mortality in the event of inadequate observer coverage. In addition to total mortality estimates, recorded discard estimates are used to derive estimates of bias resulting from intentional or unintentional misreporting of data or collection of non-representative data.

Specific information on the catcher vessel (vessel name, vessel permit number, and receipt time), together with the cumulative production information recorded in the DRCPL, are used by enforcement officers to verify information reported on the WPRs. Product transfer information recorded in the product transfer/offload log (transfer log) is subtracted from the verified cumulative production information in the DFCPL or DRCPL to obtain the amount of product that should be present on a processor vessel.

The logs should remain onboard the vessels during the fishing year and made available to observers and enforcement officers. Duplicate copies of the logbooks should be submitted to NMFS within 14 days after a processing vessel checks out of the fishery, the harvest guideline is reached, or the fishery is closed (or quarterly if the vessel remains in the fishery), to allow for timely data entry and analyses by fishery managers. (A catcher vessel that delivers to a processing vessel would submit its duplicate copy only quarterly because its catch information already has been recorded in the processing vessel log. Quarterly submission of the vessel's effort data is adequate for management of the fishery.)

**WEEKLY PRODUCTION REPORT:** A weekly production report would be required of all processing vessels. It summarizes by area and gear: (1) total estimated catch or receipt weight of groundfish, and numbers of prohibited species; (2) weekly production by species and product form; and (3) product recovery rates by species and product form.

Product weights already are maintained for business purposes. Vessels will also be required to report product recovery rates along with the conversion to round weight. Round weight is used for in-season monitoring of the catches. This information will help NMFS compare vessel reported data with observer data and may be used to assess recovery rates and types of products produced at different times during the season.

The WPRs are to be submitted weekly. NMFS needs this information weekly to track the take of the quota. The fleet has the capacity to harvest large amounts in a short period. (Seasons have been as short as three weeks.) Without the weekly reports there is a high risk of exceeding a quota or harvest guideline before NMFS knows this has happened. Near the end of the season, daily submissions may be necessary to fine-tune the catch projections. This involves transmitting a copy of the daily log for perhaps the last week of the fishery, or, if the season is expected to be short (3-4 weeks), for the entire season. No additional recordkeeping is involved.

**PRODUCT TRANSFER/OFFLOADING LOGBOOKS:** Processing vessels would be required to maintain a transfer log. This log records all shipments or transfers of product by species and product type, product weight (or units) and value, the name of the company or person transporting the product, the date of shipment, and the destination of the product within twelve hours of the completion of the transfer or offloading.

Each processing vessel required to maintain a transfer/offloading log would be required to submit to NMFS copies of their transfer log within 14 days after the vessel leaves the fishery or the fishery is closed. This information assists enforcement officers in verifying reported catch, and will be compared with the original of the transfer/offloading log onboard the vessel, DFCPLs, DRCPLs, and product inventory to verify the amount of retained product reported in the WPRs.

Product weight, product types and values for each species harvested in the WOC currently are recorded on State fish tickets for vessels landing in ports in WOC. The same information is needed from processing vessels for economic analyses. However, the most immediate need is to enable enforcement personnel to compare product inventories with production and transfer logbooks.

**START AND STOP NOTIFICATIONS:** Before the initial start and upon completion of fishing, receiving fish, or processing groundfish from the fishery management area, a processing vessel must submit the following information: 1) vessel's name and WOC Federal permit number; 2) date and time when fishing, receipt of fish, processing will begin or the vessel will leave the area; and 3) the reporting area and vessel's position.

The purpose of start and stop notifications is to better track the fishing effort of the processing fleet, to know which vessels should be submitting weekly reports, and to help locate individual vessels in enforcement and emergency situations. The messages should be sent to the Northwest Regional Office of NMFS when appropriate and be received within 24 hours after the start or within 24 hours after leaving the fishery management area off WOC.

As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NMFS decide to disseminate the information, it will be subject to the quality control measures and pre-dissemination review pursuant to Section

515 of Public Law 106-554.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.**

The Northwest Region will receive data by fax, computer, mail, or in person. Land-line or satellite communication may be used. This statement assumes satellite for transmission.

Methods to facilitate industry submission of weekly (or daily) reporting requirements have been encouraged by NMFS. Some vessels submit their reports by computer, although most use the fax. The possibility of direct entry into the computer has been considered, however the costs of implementation outweigh the benefits. There are several reasons for this. To ensure a complete record is kept onboard the vessel for enforcement purposes, the transition from bound logbooks to electronic reporting must be complete. Having some parts of the logbook electronic and some parts paper would create confusion and increase the risk of missing information from the logbooks. Given that a 100% percent switch is the most functional way to convert to an electronic logbook, there would be a considerable cost for implementing an electronic logbook capable of encrypting sensitive data, providing a method for authorization of transmissions, and archiving vessels transmission records for enforcement needs. The benefits of an electronic format would be a slight reduction in transmission time (fax versus e-mail), and a reduction in paper used by managers and vessels (logbooks, photocopies and facsimiles). NMFS has not received any proposals from logbook users to make a move to an electronic format, therefore bound paper logbooks combined with fax transmission via satellite seem to be an adequate means of collecting information at this time. Further investigation into the development of electronic logbooks will be considered in the future if there is a stated desire or need.

**4. Describe efforts to identify duplication.**

The Magnuson-Stevens Act's operational guidelines require each FMP to evaluate existing State and Federal laws that govern the fisheries in question, and the findings are made part of each FMP. Each Fishery Management Council membership is comprised of State and Federal officials responsible for resource management in their area. These two processes identify other collections that may be gathering the same or similar information. State representatives were consulted and the information collection covered by this statement was tailored to cover vessels not currently covered by State reporting requirements. Without this Federal requirement, the same or similar information would not exist for vessels that are not subject to State reporting requirements.

**5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

The processing vessels (catcher/processors and motherships) are not considered small businesses. The class of vessel that will be affected by this action, on average, grossed about \$33 million in revenue in 1991. Currently these processing vessels are not considered small businesses. The catcher vessels delivering to motherships most likely are small businesses. However, if they were not delivering at sea, they would be delivering shoreside, and thus would be subject to similar State reporting requirements. For these vessels, the burden is intended to be

the same whether delivering at sea or on shore.

NMFS will provide logbook and report forms to the vessel operators. To lessen the cost to the industry of meeting the recordkeeping and reporting requirements, logbooks have been designed so that each sector of the industry receives a logbook form tailored to meet its specific needs.

The logbook and reporting programs developed for the Pacific whiting industry have been designed to complement reporting requirements and would consolidate, to the extent practicable, other recordkeeping requirements to lessen the paperwork burden on operators of catcher vessels and at-sea processors. The NMFS has consulted with vessel operators to answer questions on maintenance of the NMFS logs and submission of associated reports. We will continue to seek industry guidance.

**6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

The WPRs are required on a weekly basis from all processors for in-season monitoring of groundfish harvests and to help verify catch and production amounts recorded in a processor's DFCPL or DRCPL. Reaching available harvest levels (quotas) can occur quite rapidly, especially when the quota is small. Near the end of the season, or for the duration of a short season, daily reports may be needed to fine-tune catch projections. Absent these reports, quotas may be exceeded. Conversely, if data are not available, managers may be conservative and close fisheries prematurely. NMFS' program for in-season management of the Pacific whiting fisheries would be severely jeopardized if this information were not received on at least a weekly basis.

The DFCPLs and DRCPLs will be submitted by processors within 14 days after the vessel leaves the fishery, the fishery is closed or the harvest guideline is reached (or quarterly if the vessel remains in the area). Submission of DFCPLs and DRCPLs by catcher/processors and motherships may be combined with submission of transfer logs, and so 3 submissions per at-sea processing vessel per year are estimated. Catcher vessels will submit their effort information (DFCPL) quarterly. This will allow timely input of logbook information into a central database that may be accessed by fishery managers to gauge fishery performance against existing or proposed management measures. This also will allow NMFS to monitor in-season compliance with logbook requirements and to interface with individual vessel operators if logbook entries are being recorded inappropriately. (Catcher vessels may submit their logs less frequently than the processors because their harvest is recorded in the processors' logs and accounted for in the WPRs, and fishing effort data is not needed more frequently than quarterly. Also, catcher vessels are most likely to be local vessels that do not leave the WOC area; and quarterly submission is the same as for processing vessels that do not leave the area.) A less frequent submission of logbooks would provide for less efficient entry of logbook information into a central database and undermine the availability of timely fishery information upon which NMFS and the Council base their management decisions. The absence of adequate biological, effort, and economic information from the domestic industry increases the risk of error associated with any given management decision, and can result in ineffective decision-making.

Transfer log information assists enforcement officers in verifying reported catch, and will be compared with onboard transfer/offloading logs, DFCPLs, DRCPLs, and product inventory to

verify the amount of retained product reported in the WPRs. The fishery may be conducted in as little as 3-15 weeks (an estimate of 72 days was used throughout this statement). If transfer logs were not submitted during the fishing season, the ability to verify catch and production amounts while the vessel is on the grounds would be jeopardized. The number of submissions was reduced from 4 per year to 1-3 per year as part of the 1995 frequency reduction project; submission of transfer logs is combined with submission of the cumulative logs.

Start/Stop notifications must be submitted within 24 hours of the vessel entering or leaving the fishery. This is necessary to accurately estimate processing effort, to schedule enforcement boardings at the beginning and end of the vessel's operation in WOC, and to alert NMFS which vessels should be submitting WPRs.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

OMB Guidelines state that an explanation needs to be given if a respondent is required to report information more often than quarterly. For the reasons given above in this statement, catch or receipt reports (WPRs or cumulative logs) are submitted weekly, or daily if the season is short or near its end, to achieve timely in-season monitoring and management of the fishery. Catch levels of whiting, bycatch, and prohibited species must be monitored on a real-time basis. The industry often voluntarily submits daily reports because they understand that more accurate data mean that managers will be less conservative in estimating the closure and thus provide a longer season. (If data are lacking, managers are more conservative and a fishery may be closed prematurely.) As the normal whiting season is less than 72 days, quarterly submissions are not adequate to monitor the fishery, protect the resource, or assure that harvest guidelines and allocations are not exceeded.

**8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

A Federal Register Notice (copy attached) solicited public comment on this submission. No substantive comments were received.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

Not applicable.

**10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.**

Because the information collected is from commercial operations, the Privacy Act does not apply. The information collected is confidential under section 402(b) of the Magnuson-Stevens

Act (16 U.S.C. 1801 et seq.). All data submitted are treated in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

No questions of a sensitive nature are asked.

**12. Provide an estimate in hours of the burden of the collection of information.**

Effort and production information are normally maintained by harvesting vessel operators and at-sea processing vessel owners for their own business purposes. The costs associated with the rule pertain to the additional burden assumed by the vessel operators to transfer this information to the required logbook or report for submittal to NMFS. The estimates of burden hours and the value of these hours have changed from the previous supporting statement. See Table 1 for an overview of these changes.

The following calculations of cost and burden hours ( **Table 2**) assume that the processing and catcher vessels operate 72 days of the year. Processing capacity is such that 23 vessels could process the entire Pacific whiting quota in 72 days or less. Consequently, the DFCPLs and DRCPLs are estimated to be kept for a maximum of 72 days a year and submitted no more than 3 times a year per vessel (with no activity in the first quarter due to the season start in the spring. However, the estimated 72-day season may be spread across the rest of the year in several openings, or a vessel may depart and re-enter the fishery, so three submissions are possible.) WPRs (or daily submissions of cumulative logs) are estimated to be prepared and submitted 21 times a year per processing vessel. Product transfer logs are estimated to be submitted no more than 3 times a year per vessel, and stop/start logs are estimated to be submitted no more than 4 times a year per vessel.

Federal regulations will require processing vessels to maintain Product Transfer/Offloading Logbooks (PTOL). These regulations will also require processing vessels to submit to NMFS a WPR detailing retained and discarded catch amounts. Because the information required in the Transfer logs and on WPRs would be summarized in the DFCPL or DRCPL, little additional time would be required to fill them out. Three transfer logs, requiring 20 minutes to complete, would take 1 hour per year per vessel. The 4 stop/start messages expected per vessel are expected to take only 5 minutes per vessel per year.

Individual vessels may incur a greater or lesser burden depending on actual annual participation in the Pacific whiting fishery. A vessel that both fishes and processes its catch would have the maximum recordkeeping burden, about 31 minutes/day (37.5 hours annually based on 72 days operation). The other vessels have a lesser burden, approximately 18 minutes/day (21.9 hours annually) for a mothership (a vessel that only processes), and approximately 13 minutes/day (15.6 hours annually) for a vessel that only fishes. This is the same per vessel as in the last statement, with the exception of the removal of the requirement for intent to offload reports.

The total annual burden incurred by the WOC groundfish industry to comply with the proposed information collection program would be approximately 1,374 hours.

The decrease in the number of burden hours requested is a direct result of removal of the intent to offload report from the list of required logbook submissions. These reports have been removed from the logbook submission because they are no longer used for management and enforcement of the fishery. The information obtained from these reports is covered with submission of PTOLs and start/stop notices.

The calculation of the value of burden hours assumes an average wage equivalent to a GS-7 employee of \$19.99 per hour. This number has increased since the last statement to incorporate cost of living increases.

**Table 1: CHANGES IN BURDEN HOURS AND COSTS**

|                      | Previous statement | This statement | Reason for Change                                                                                               |
|----------------------|--------------------|----------------|-----------------------------------------------------------------------------------------------------------------|
| Total Burden Hours   | 1,382              | 1,374          | Removing requirement for an intent to offload report. See justification above and Table 2 for more information. |
| GS-7 Hourly Pay Rate | \$15.50            | \$19.99        | Updating wages to include cost of living increases.                                                             |
| Total Costs to Fleet | \$21,801           | \$27,458       | Updating wages to include cost of living increases.                                                             |

**Table 2: RECORDKEEPING BURDEN HOURS AND COSTS**

| Record Type                                      | # Records per Year per Vessel <sup>1</sup> | Time per Record (Minutes per Day) | Hours per Vessel per Year | # Vessels | Total Responses for Fleet | Total Hours for Fleet | Annual Labor Cost (\$) <sup>2</sup> |             |
|--------------------------------------------------|--------------------------------------------|-----------------------------------|---------------------------|-----------|---------------------------|-----------------------|-------------------------------------|-------------|
|                                                  |                                            |                                   |                           |           |                           |                       | Vessel                              | Fleet       |
| DFCPL (catchers)                                 | 72                                         | 13                                | 15.6                      | 50        | 3600                      | 780                   | \$311.84                            | \$15,592.20 |
| DFCPL (catcher-processors)                       | 72                                         | 26                                | 31.2                      | 10        | 720                       | 312                   | \$623.69                            | \$6,236.88  |
| DRCPL (motherships)                              | 72                                         | 13                                | 15.6                      | 10        | 720                       | 156                   | \$311.84                            | \$3,118.44  |
| Weekly/Daily Production Report (processors only) | 21                                         | 4.3                               | 5.2                       | 20        | 420                       | 104                   | \$103.95                            | \$2,078.96  |
| PTOL                                             | 3                                          | 0.8                               | 1                         | 20        | 60                        | 20                    | \$19.99                             | \$399.80    |
| Start/Stop                                       | 4                                          | 1.25                              | 0.08                      | 20        | 80                        | 1.6                   | \$1.60                              | \$31.98     |
| TOTAL                                            | ~                                          | ~                                 | ~                         | 70        | 5600                      | 1374                  | ~                                   | \$27,458    |

<sup>1</sup> Assuming a 72 day season

<sup>2</sup> Assuming average wage is equivalent to GS-7, step 5 (Office of Personnel Management 2006 Salary Tables for Seattle-Tacoma-Olympia, Washington) or \$ 19.99 per hour.

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).**

There are no capital or startup costs.

The Northwest Region will receive logbook data by fax, computer, mail, or in person. Land-line or satellite communication may be used. This statement assumes the use of satellites for transmission. The costs to the vessels associated with generating, maintaining, and disclosing or

providing the information are described in this section. Table 3 gives an overview of changes to the reporting burden to the industry. There have been no changes associated with transmittal costs, however the requirement for an intention to offload report has been removed reducing the number of records submitted and therefore reducing the annual cost of submissions.

The cost of submitting WPRs to NMFS via satellite, now the most common mode of transmitting weekly reports, would be about \$15.00 per transmission (Table 4). At 21 submissions per year, the annual cost to individual processing vessels would be about \$315. Transfer logs and stop/start notifications also are expected to be submitted via satellite communication. With costs being about \$11 per transmission and providing that transfer logs are submitted no more than 3 times per year, and stop/start notifications are submitted no more than 4 times per year, annual cost is estimated at \$77. Submission of DFCPLs or DRCPLs, by mail, three times a year would cost about \$15 per vessel. Consequently, the estimated annual cost per vessel of submitting logs and reports would be as much as \$407 for processors and \$15 for catcher vessels. The total reporting cost to the fleet would be \$8,890.

**Table 3: CHANGES IN RECORD SUBMISSION COSTS**

|                               | Previous statement | This statement | Reason for Change                                                                                                |
|-------------------------------|--------------------|----------------|------------------------------------------------------------------------------------------------------------------|
| Total Record Submission Costs | \$9,890            | \$8,890        | Removing requirement for an intent to offload report. See justification in #12 and Table 4 for more information. |

**Table 4: RECORD SUBMISSION COSTS**

| Record Type                                      | Submission Method | Cost per Submission (\$) | # Submissions per Year <sup>1</sup> | # Vessels | Annual Cost of Submissions (\$) |         |
|--------------------------------------------------|-------------------|--------------------------|-------------------------------------|-----------|---------------------------------|---------|
|                                                  |                   |                          |                                     |           | Vessel                          | Fleet   |
| DFCPL (catchers and catcher-processors)          | Mail              | \$5.00                   | 3                                   | 60        | \$15                            | \$900   |
| DRCPL (motherships)                              | Mail              | \$5.00                   | 3                                   | 10        | \$15                            | \$150   |
| Weekly/Daily Production Report (processors only) | Fax               | \$15.00                  | 21                                  | 20        | \$315                           | \$6,300 |
| PTOL                                             | Fax               | \$11.00                  | 3                                   | 20        | \$33                            | \$660   |
| Start/Stop                                       | Fax               | \$11.00                  | 4                                   | 20        | \$44                            | \$880   |
| TOTAL                                            | ~                 | ~                        | ~                                   | 70        | ~                               | \$8,890 |

<sup>1</sup> Assuming a 72 day season

**14. Provide estimates of annualized cost to the Federal government.**

**Enforcement and administrative costs:** Certain costs would be incurred by management agencies in administering and enforcing the proposed recordkeeping and reporting requirements. Current enforcement costs include salaries of enforcement personnel and costs associated with utilizing support platforms, e.g., U.S. Coast Guard vessels. No additional enforcement personnel or U.S. Coast Guard vessels are needed because (1) enforcement personnel are already hired to support the conservation and management role of NMFS, and (2) U.S. Coast Guard vessels are already in place to carry out search-and-rescue and fisheries enforcement missions off of WOC. The decline in foreign fishing operations off WOC released sufficient enforcement resources to monitor compliance of reporting and recordkeeping requirements in domestic fisheries. NMFS estimates that the amount of time to inspect a catcher/processor or mothership vessel, including



auditing DFCPLs, DRCPLs and Product Transfer/Offloading Logbooks, would average about 4 hours. If each processor were inspected quarterly, which is the frequency foreign motherships were boarded and inspected, then about 400 hours would be required to inspect 23 at-sea Pacific whiting processors.

The processing of WPRs and start/stop messages add little additional burden to NMFS personnel since staff were previously processing foreign and joint venture vessel data, and have continued to process the data voluntarily submitted by the at-sea processing fleet. Additional time would be required to process transfer logs, but current personnel levels are considered sufficient to process this information. A GS-7 could spend about three-quarters of the time for six months to process WPRs and product transfer information, at an estimated cost of about \$15,642 per year (.75 x 0.5 x \$41,711 annual salary).

The most significant cost to the Federal government would be the timely input of data recorded in the DFCPL and DRCPL logbooks into a fisheries information database, the analyses of the data, and maintenance of the database, which would require one full-time employee (GS-9) at an annual cost of about \$51,025. The numbers above include a cost of living increase for GS-7 and GS-9 level employees.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.**

There is an estimated decrease of eight burden hours and an estimated decrease of \$1,000 in non-labor recordkeeping costs (Table 1 and Table 3) due to the removal of the intent to offload report: a program change.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

Results for this collection are not planned for publication.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

Not applicable.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.**

Not applicable.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.

# DAILY FISHING AND CUMULATIVE PRODUCTION LOGBOOK (DFCPL)

Expiration Date: xx/xx/xxxx

| PAGE |  |  | YEAR-MNTH-DAY |  |  | VESSEL NAME | WOC PERMIT NUMBER | AREA |  |  | GEAR | OBSERVER NAME | # CREW     | OPERATOR'S SIGNATURE |
|------|--|--|---------------|--|--|-------------|-------------------|------|--|--|------|---------------|------------|----------------------|
|      |  |  |               |  |  |             |                   |      |  |  |      |               | Fishing:   |                      |
|      |  |  |               |  |  |             |                   |      |  |  |      |               | Processing |                      |

**Estimated catch weight to nearest 0.1 mt**

## EFFORT LOG

| HAUL | BEGIN TIME<br>(LOCAL TIME) | BEGINNING POSITION |           | SEA DEPTH | TRAWL DEPTH | ENDING TIME<br>(LOCAL TIME) | ENDING POSITION |           | TOTAL FISHING TIME | ESTIMATED CATCH WEIGHT | PROCESSOR NAME |
|------|----------------------------|--------------------|-----------|-----------|-------------|-----------------------------|-----------------|-----------|--------------------|------------------------|----------------|
|      |                            | LATITUDE           | LONGITUDE |           |             |                             | LATITUDE        | LONGITUDE |                    |                        |                |
|      |                            |                    |           |           |             |                             |                 |           |                    |                        |                |
|      |                            |                    |           |           |             |                             |                 |           |                    |                        |                |
|      |                            |                    |           |           |             |                             |                 |           |                    |                        |                |
|      |                            |                    |           |           |             |                             |                 |           |                    |                        |                |
|      |                            |                    |           |           |             |                             |                 |           |                    |                        |                |
|      |                            |                    |           |           |             |                             |                 |           |                    |                        |                |
|      |                            |                    |           |           |             |                             |                 |           |                    |                        |                |

**Round weight to the nearest 0.01 mt**

## CATCH LOG

|                     |  |  |  |  |  |  |  |  |  |                           |        |         |            |
|---------------------|--|--|--|--|--|--|--|--|--|---------------------------|--------|---------|------------|
| SPECIES CODE        |  |  |  |  |  |  |  |  |  | <b>PROHIBITED SPECIES</b> |        |         |            |
| DISCARDED WEIGHT    |  |  |  |  |  |  |  |  |  |                           | Salmon | Halibut | Dung. Crab |
| BALANCE FORWARD     |  |  |  |  |  |  |  |  |  | Number Caught             |        |         |            |
| CUMULATIVE TOTAL WT |  |  |  |  |  |  |  |  |  | Balance Forward           |        |         |            |
| RETAINED WEIGHT     |  |  |  |  |  |  |  |  |  | Cumulative Total No.      |        |         |            |
| BALANCE FORWARD     |  |  |  |  |  |  |  |  |  |                           |        |         |            |
| CUMULATIVE TOTAL WT |  |  |  |  |  |  |  |  |  |                           |        |         |            |

**Product weight to the nearest 0.01 mt**

## PRODUCTION LOG

|                  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|
| SPECIES CODE     |  |  |  |  |  |  |  |  |  |  |  |  |  |
| PRODUCT TYPE     |  |  |  |  |  |  |  |  |  |  |  |  |  |
| AVERAGE PRR      |  |  |  |  |  |  |  |  |  |  |  |  |  |
| DAILY TOTAL      |  |  |  |  |  |  |  |  |  |  |  |  |  |
| BALANCE FORWARD  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| CUMULATIVE TOTAL |  |  |  |  |  |  |  |  |  |  |  |  |  |

# DAILY FISH RECEIVED AND CUMULATIVE PRODUCTION LOGBOOK

Expiration Date: xx/xx/xxxx

| PAGE |  |  | YEAR-MNTH-DAY |  |  | PROCESSOR'S NAME | WOC PERMIT NUMBER | AREA |  |  | GEAR | OBSERVER NAME | # CREW | OPERATOR'S SIGNATURE |
|------|--|--|---------------|--|--|------------------|-------------------|------|--|--|------|---------------|--------|----------------------|
|      |  |  |               |  |  |                  | GF-               |      |  |  |      |               |        |                      |

## Estimated catch weight to nearest 0.1 mt

## DELIVERY LOG

| HAUL | HARVESTER NAME | WOC PERMIT NUMBER | LOCAL TIME | LATITUDE | LONGITUDE | ESTIMATED RECEIPT WT. | COMMENTS |
|------|----------------|-------------------|------------|----------|-----------|-----------------------|----------|
|      |                | GF-               |            |          |           |                       |          |
|      |                | GF-               |            |          |           |                       |          |
|      |                | GF-               |            |          |           |                       |          |
|      |                | GF-               |            |          |           |                       |          |
|      |                | GF-               |            |          |           |                       |          |
|      |                | GF-               |            |          |           |                       |          |
|      |                | GF-               |            |          |           |                       |          |
|      |                | GF-               |            |          |           |                       |          |

## Round weight to the nearest 0.01 mt

## RECEIPT

| SPECIES CODE | DISCARDED WEIGHT | BALANCE FORWARD | CUMULATIVE TOTAL WT | RETAINED WEIGHT | BALANCE FORWARD | CUMULATIVE TOTAL WT | PROHIBITED SPECIES   |        |         |            |  |
|--------------|------------------|-----------------|---------------------|-----------------|-----------------|---------------------|----------------------|--------|---------|------------|--|
|              |                  |                 |                     |                 |                 |                     |                      | Salmon | Halibut | Dung. Crab |  |
|              |                  |                 |                     |                 |                 |                     | Number Caught        |        |         |            |  |
|              |                  |                 |                     |                 |                 |                     | Balance Forward      |        |         |            |  |
|              |                  |                 |                     |                 |                 |                     | Cumulative Total No. |        |         |            |  |

## Product weight to the nearest 0.01 mt

## PRODUCTION LOG

|                 |  |  |  |  |  |  |  |  |  |  |  |  |
|-----------------|--|--|--|--|--|--|--|--|--|--|--|--|
| SPECIES CODE    |  |  |  |  |  |  |  |  |  |  |  |  |
| PRODUCT TYPE    |  |  |  |  |  |  |  |  |  |  |  |  |
| AVERAGE PRR     |  |  |  |  |  |  |  |  |  |  |  |  |
| DAILY TOTAL     |  |  |  |  |  |  |  |  |  |  |  |  |
| BALANCE FORWARD |  |  |  |  |  |  |  |  |  |  |  |  |

# PRODUCT TRANSFER/OFFLOADING LOGBOOK

Expiration Date: xx/xx/xxxx

|                                               |                                 |                                  |                            |                   |                                                                 |
|-----------------------------------------------|---------------------------------|----------------------------------|----------------------------|-------------------|-----------------------------------------------------------------|
| <b>PAGE</b>                                   | <b>TRANSFERRING VESSEL NAME</b> | <b>WOC PERMIT NUMBER</b>         | <b>YR-MTH-DAY</b>          | <b>LOCAL TIME</b> | <b>OPERATOR'S SIGNATURE</b>                                     |
|                                               |                                 |                                  |                            |                   |                                                                 |
| <b>RECEIVING COMPANY &amp;/or VESSEL NAME</b> |                                 | <b>WOC FEDERAL PERMIT NUMBER</b> | <b>POSITION OF OFFLOAD</b> |                   | <b>DESTINATION OF RECIPIENT<br/>(Name and location of port)</b> |
|                                               |                                 |                                  | <b>LATITUDE</b>            | <b>LONGITUDE</b>  |                                                                 |
|                                               |                                 |                                  |                            |                   |                                                                 |

Product weights to the nearest 0.001 mt

| PRODUCT      |              | UNIT        |        |            | TOTAL       |       |
|--------------|--------------|-------------|--------|------------|-------------|-------|
| SPECIES CODE | PRODUCT CODE | WEIGHT (Kg) | NUMBER | UNIT VALUE | WEIGHT (Kg) | VALUE |
|              |              |             |        |            |             |       |
|              |              |             |        |            |             |       |
|              |              |             |        |            |             |       |
|              |              |             |        |            |             |       |
|              |              |             |        |            |             |       |
|              |              |             |        |            |             |       |
|              |              |             |        |            |             |       |
|              |              |             |        |            |             |       |
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|              |              |             |        |            |             |       |
|              |              |             |        |            |             |       |
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|              |              |             |        |            |             |       |
|              |              |             |        |            |             |       |
|              |              |             |        |            |             |       |
|              |              |             |        |            |             |       |

# WOC GROUND FISH WEEKLY PRODUCTION REPORT

Expiration Date: xx/xx/xxxx

| WEEK ENDING<br>YR-MNTH-DAY |           |                       | VESSEL NAME             | WOC PERMIT NUMBER | IRCS                         | PHONE NUMBER | FAX NUMBER            | SUBMITTER'S FULL NAME |                   |
|----------------------------|-----------|-----------------------|-------------------------|-------------------|------------------------------|--------------|-----------------------|-----------------------|-------------------|
|                            |           |                       |                         |                   |                              |              |                       |                       |                   |
| AREA                       | GEAR TYPE | No. DAYS<br>PROCESSED | No. DELIVERY<br>VESSELS | No. DELIVERIES    | PROHIBITED SPECIES:          |              | ALL SALMON<br>SPECIES | PACIFIC<br>HALIBUT    | DUNGENESS<br>CRAB |
|                            |           |                       |                         |                   | NUMBER CAUGHT AND DELIVERED: |              |                       |                       |                   |
| SPECIES CODE               |           |                       |                         |                   |                              |              |                       |                       | TOTAL             |
| RETAINED ROUND WT          |           |                       |                         |                   |                              |              |                       |                       |                   |
| DISCARDED ROUND            |           |                       |                         |                   |                              |              |                       |                       |                   |
| SPECIES CODE               |           |                       |                         |                   |                              |              |                       |                       |                   |
| PRODUCT TYPE               |           |                       |                         |                   |                              |              |                       |                       |                   |
| AVERAGE PRR                |           |                       |                         |                   |                              |              |                       |                       |                   |
| WEEKLY PRODUCT WEIGHT      |           |                       |                         |                   |                              |              |                       |                       |                   |

| AREA                  | GEAR TYPE | No. DAYS<br>PROCESSED | No. DELIVERY<br>VESSELS | No. DELIVERIES | PROHIBITED SPECIES:          |  | ALL SALMON<br>SPECIES | PACIFIC<br>HALIBUT | DUNGENESS<br>CRAB |
|-----------------------|-----------|-----------------------|-------------------------|----------------|------------------------------|--|-----------------------|--------------------|-------------------|
|                       |           |                       |                         |                | NUMBER CAUGHT AND DELIVERED: |  |                       |                    |                   |
| SPECIES CODE          |           |                       |                         |                |                              |  |                       |                    | TOTAL             |
| RETAINED ROUND WT     |           |                       |                         |                |                              |  |                       |                    |                   |
| DISCARDED ROUND       |           |                       |                         |                |                              |  |                       |                    |                   |
| SPECIES CODE          |           |                       |                         |                |                              |  |                       |                    |                   |
| PRODUCT TYPE          |           |                       |                         |                |                              |  |                       |                    |                   |
| AVERAGE PRR           |           |                       |                         |                |                              |  |                       |                    |                   |
| WEEKLY PRODUCT WEIGHT |           |                       |                         |                |                              |  |                       |                    |                   |

## **WOC START & STOP NOTICE**

OMB Control No.: 0648-0271; Expiration Date: xx/xx/xxxxx

|                    |                           |                        |
|--------------------|---------------------------|------------------------|
| <b>VESSEL NAME</b> | <b>WOC FEDERAL PERMIT</b> | <b>RADIO CALL SIGN</b> |
|                    | GF-                       |                        |

**START** or **STOP** (Circle only one)

| DATE |     |     | PACIFIC<br>LOCAL TIME | START or STOP POSITION |           | WOC<br>AREA |
|------|-----|-----|-----------------------|------------------------|-----------|-------------|
| YR   | MTH | DAY |                       | LATITUDE               | LONGITUDE |             |
|      |     |     |                       |                        |           |             |

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**Send to: Northwest Region, Fisheries Management Division, NMFS; 7600 Sand Point Way NE; Seattle WA 98115.**

**FAX: 206-526-6736      Phone: 206-526-6140**

## GROUND FISH SPECIES CODES

### ROUNDFISH:

#### **280 Pacific whiting**

110 Pacific cod  
130 Lingcod  
710 Sablefish

### FLATFISH:

121 Arrowtooth flounder  
124 Dover sole  
128 English sole  
131 Petrale sole  
125 Rex sole  
123 Rock sole  
129 Starry flounder  
120 Other flatfish

### ROCKFISH:

137 Bocaccio rockfish  
146 Canary rockfish  
176 Chilipepper RF  
141 Pacific ocean perch  
177 Shortbelly RF  
143 Thornyhead RF  
**156 Widow rockfish**  
**155 Yellowtail RF**  
139 Other rockfish

### OTHER:

100 Other groundfish: cabezon, ratfish, morids, and grenadiers.  
999 Other species: invertebrates and miscellaneous items.

### NON-GROUND FISH:

285 Pacific sardine  
290 Jack mackerel  
295 Pacific mackerel

## LOG BOOK CODES

### PRODUCT TYPE CODES <sup>1</sup>

1 Whole fish/food fish  
2 Whole bait  
3 Bled only  
4 Gutted only  
5 Headed and gutted (H & G)  
6 H & G with roe  
7 H & G, Western cut  
8 H & G, Eastern cut  
9 H & G, with pectoral girdle  
10 H & G, tail removed  
11 Kiriimi  
12 Salted and split  
13 "Wings"  
14 Roe only  
15 Pectoral girdle only  
16 Heads  
17 Cheeks and chins  
19 Belly flaps  
20 Fillets with skin and ribs  
21 Fillets with skin, no ribs  
22 Fillets with ribs, no skin  
23 Fillets, no skin or ribs  
24 Fillets, deep-skin  
**30 Surimi**  
**31 Minced fish**  
**32 Fish meal**  
**33 Fish oil**  
34 Milt  
35 Stomachs (organ)  
36 Octopus/squid mantles  
37 Split, no backbone  
39 Bones  
97 Other - specify

## GEAR TYPE CODES <sup>2</sup>

BTR Bottom trawl  
**PTR Pelagic trawl**  
BOB Bobbin or roller trawls  
HKL Hook and line or longline  
POT Pots or traps

1/ Main products should be recorded with a "P". Additional (ancillary) products from the same fish should be recorded with the appropriate product code preceded by the letter "A" (EXAMPLE: A32 is meal from a fish whose main product has already been recorded.) If the fish is to be set aside for foodbank donation, a "D" should also be used.

2/ See current regulations at 50 CFR Part 660, subpart G for legal definitions of gear and gear restrictions. (Available from the Northwest Region, NMFS).

### PROHIBITED SPECIES CODES:

*(codes not required to be entered in logs)*

101 Pacific halibut  
220 Non-chinook salmon  
222 Chinook salmon

**PLEASE READ: The Daily Fish Received and Cumulative Production Logbook has been prepared by the National Marine Fisheries Service (NMFS) in conjunction with the Pacific Fishery Management Council. This log is for use by operators of at-sea processing vessels greater than 125 feet in length that receive groundfish from catcher vessels off the coast of Washington, Oregon and California (WOC). Maintenance and submission of these logs currently are voluntary. The information will be used to confirm, and occasionally supplement, observer data, and may be used for other analyses. These logs will be required in the future; your comments and suggestions are encouraged. Logbook information will remain confidential, although NMFS may release aggregated logbook data that do not identify individual vessels.**

**Submit yellow copies of logbooks to:**

National Marine Fisheries Service  
Northwest Region - Groundfish Fishery  
BIN C15700  
7600 Sand Point Way N.E.  
Seattle, WA 98115

Phone: 206-526-6140  
Fax: 206-526-6736

**LOGBOOK MAINTENANCE**

1. The operator of an at-sea processor vessel (mothership) must retain the original copy of this logbook on board the vessel until the end of the fishing year and for as long after the end of the fishing year as fish or fish products recorded in the logbook are retained on board that vessel.
2. No person may remove any original page of the logbook. Information recorded in the logbook must be made in indelible ink. No person may alter or change any entry in the logbook except that an inaccurate or incorrect entry may be corrected by lining out the original and inserting the correction, provided that the original entry or record remains legible.



## INSTRUCTIONS FOR THE WOC START AND STOP REPORTS\*

**The WOC Start and Stop Report is required of all permitted processing vessels, and must record the following information on a periodic basis:**

The WOC Start and Stop Report must be completed and submitted via fax or email to Northwest Region Fax: 206-526-6736, email: [Becky.Renko@noaa.gov](mailto:Becky.Renko@noaa.gov) within 24 hours of receiving fish, or processing groundfish, and at least 24 hours prior to leaving the WOC.

1. The full vessel name, Federal Fishing Permit for WOC the groundfish fishery and the international radio call sign must be recorded.
2. The current date (year-month-day) and time (local time).
3. The current position in geographical coordinates.
4. The WOC reporting area (670, 710, 720, 730, or 740).

\* Notwithstanding any other provision of the law, no person is required to respond to, no shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Public reporting burden for this collection of information is estimated to average approximately 1.25 minute per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the National Marine Fisheries Service - Northwest Region, Fisheries Management Division, 7600 Sand Point Way NE, Seattle WA 98115. OMB Control Number: 0648-0271; Expiration Date: xx/xx/xxxx. This data collection will be mandatory upon implementation of a final rule under 50 CFR 660, subpart G, and is confidential under Section 402(b) of the Magnuson-Stevens Fishery Conservation and Management Act.

## **INSTRUCTIONS FOR THE DAILY FISH RECEIVED AND CUMULATIVE PRODUCTION LOGBOOK (DRCPL) \***

The Daily Fish Received and Cumulative Production Logbook (DRCPL) is required from all permitted processing vessels that process groundfish caught by another vessel.

Entries of the date and time of a delivery, name of delivering vessel, position of the processing vessel, and estimated weight of catch received must be recorded within two hours after the receipt of the applicable haul or set. All other information required in the DRCPL must be recorded by noon of the day after the delivery occurred. Notwithstanding other time limits, all required information must be recorded prior to the time when the vessel's catch is off-loaded.

The operator of a processor vessel must submit the yellow copy of the DRCPL within 14 days after the vessel checks out of the fishery, **or the fishery is closed**, or quarterly if the vessel does not check out of the fishery during the quarter to the Northwest Region of NMFS. The copy of the logbook for processing activities conducted during the first quarter of the year must be submitted by March 31, for the second quarter by June 30, for the third quarter by September 30, and for the fourth quarter by December 31 of the current year.

### **The following information must be recorded in the DRCPL on a daily basis:**

1. The page number. This number must be consecutive beginning with page one for the first day the vessel conducted any fishing operation after the start of the fishing year in the WOC and continuing throughout the logbook for the remainder of the fishing year. A separate page in the logbook must be used for each day in which fish is received. If receipt of fish occurs from more one gear type, or in more than one reporting area, or for more than one target species during any day, a separate page in the logbook also must be used for each reporting area, or target species.
2. The date (year-month-day).
3. The vessel's full name.
4. The Federal permit number assigned for WOC groundfish fishery for the current year.
5. The three digit Federal WOC reporting area where the harvesting vessel(s) are conducting fishing activity.
6. The gear type used by the harvesting vessel. See the inside cover for codes.
7. The last name and first initial of the NMFS observer on board or "none" if operating without observer coverage.
8. The total number of the crew processing.
9. The signature of the operator of the vessel.

### **I. Delivery Log**

10. The haul or set number. This number must be consecutive beginning with number one for the first haul or set received for the first day the vessel conducted any fishing operation after the start of the fishing year in the WOC and continuing throughout the logbook for the remainder of the fishing year.
11. The full name and WOC permit number of the harvesting vessel delivering groundfish.

12. The local time (2400 clock, local time) of delivery to the nearest minute of receipt by the processing vessel.
13. The geographic position of the processing vessel at the time of receipt of haul or set to the nearest minute.
14. The estimated total weight of the catch for the haul or set in round weight to the nearest tenth of a metric ton (0.1 mt).
15. If the target species is not Pacific whiting, write the target species name under "Comments."

## II. Receipt Log

16. The species code must be an appropriate three digit WOC Federal species code. See the inside cover for codes.
17. The discarded and retained weights are the total round weights of the catch to the nearest hundredth metric ton (0.01 mt) for that gear type, area and day for each groundfish species or species group. If there are no discard amounts, enter zero (0).
18. Prohibited species. These species include all salmon, Pacific halibut and Dungeness crab off WOC. The whole number of individuals must be recorded for that area, gear type and day. If no prohibited species are caught, enter zero (0).
19. The balance forward is the previous cumulative total catch weight for that gear type, week, and area. On the first day of the fishing week, the balance forward must be zero. The fishing week begins on Wednesday at 0001 hours and ends on the following Tuesday at 2400 hours, local time.
20. The cumulative total is calculated separately for each fishing week, so that on the first day of the fishing week, the balance forward is zero (0) and the cumulative total is the same as the daily total. Within the week, the cumulative total must be the sum of the current day's amount (of discarded or retained weight for groundfish and numbers for prohibited species) added to the balance forward from the previous day for that gear type, and area.

### III. Production Log

The species product information for each day of processing activity which is the complete product information for all of the hauls or sets received in that day by area and gear type. Fish product weight must be specified to the nearest hundredth of a metric ton (0.01 mt). Product information for groundfish harvested from different reporting areas or with different gear types must be maintained separately during a weekly reporting period. Product information must include the following information for any product resulting from the processing of any groundfish species or species group with a WOC species code.

21. The species codes and corresponding product codes for primary and ancillary products. Ancillary product codes must be preceded with the letter "A." (Ancillary products are secondary products from a fish that was used primarily for a different product.)

22. The average PRR (product recovery weight) for each major product listed for the species and product codes above it on the DRCPL.

23. The daily total. The total amount of the product produced during the day by species and product type codes in fish product weight in hundredths of a metric ton (0.01 mt).

24. The balance forward of the total product produced during the week for that gear type and reporting area. The balance forward is zero on the first day of the fishing week.

25. The cumulative total product by species and product type must be the sum of the daily total product, for that gear type and area, added to the balance forward for the same gear type and area.

\* Notwithstanding any other provision of the law, no person is required to respond to, no shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Public reporting burden for this collection of information is estimated to average approximately 13 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the National Marine Fisheries Service - Northwest Region, Fisheries Management Division, 7600 Sand Point Way NE, Seattle WA 98115. OMB Control No.: 0648-0271; Expiration Date: xx/xx/xxxx.

This data collection will be mandatory upon implementation of a final rule under 50 CFR 660, subpart G, and is confidential under Section 402(b) of the Magnuson-Stevens Fishery Conservation and Management Act.

## INSTRUCTIONS FOR THE WEEKLY PRODUCTION REPORT\*

**The Weekly Production Report (WPR) is required from all permitted processing vessels.**

The WPR must be completed and submitted via fax or email to the Northwest Region, NMFS (Fax: 206-526-6736, Email: [Becky.Renko@noaa.gov](mailto:Becky.Renko@noaa.gov)) by Thursday at 2400 hours local time, 48 hours after the end of the fishing week. The fishing week begins Wednesday at 0001 hours and ends on the following Tuesday at 2400 hours local time. The WPR is divided into two sections for entries of multiple gear types and areas during the weekly reporting periods. Extra WPR forms may be used if more than two sections are required. If the vessel acts as both a catcher/processor and mothership during the same week, a separate weekly report must be submitted for each operation. If a vessel fishes for or receives a target species other than Pacific whiting, a separate weekly report must be submitted with the name of the target species written at the top of the weekly report form.

The DFCPL and DRCPL are the basis for all the information in the WPR. The WPR must include the following information on a weekly basis:

1. The full vessel name, Federal Fishing Permit for WOC the groundfish fishery and the international radio call sign must be recorded.
2. The week ending date (year-month-day) for the reporting week. The reporting week starts on Wednesday and ends on Tuesday at midnight (2359::59 local time).
3. The submitter's legal name, contact phone number and fax or email address.
4. The WOC reporting area (670, 710, 720, 730, or 740).
5. The gear type. See inside cover for gear types and codes.
6. The total number of days fished or received fish from a harvesting vessel, to the nearest full day by area and gear type. Any fishing activity or receipt of fish during a day constitutes a full day.
7. The total number of harvesting vessels which delivered to the processor during the week, by area and gear type. A harvester/processor vessel which does not receive outside tows must enter zero (0) in this cell. If the vessel operated as both a mothership and harvester/processor during the reporting week, then both the DFCPL and DRCPL logbooks would be used and separate WPRs would be submitted from each log.
8. The total number of hauls or sets made or received during the reporting period by area and gear type.
9. Prohibited species. The prohibited species of salmon, Pacific halibut and Dungeness crab must be recorded as the whole number of individuals caught or received during the reporting week by area and gear type.
10. The species code must be the appropriate three digit WOC Federal species code for the total catch for that WOC reporting area, gear type and fishing day.
11. The retained weight information must be the total round weight of the retained catch to the nearest hundredth metric ton (0.01 mt) for that gear type, area and reporting week. The cumulative total weight information for the full reporting week must be equal to the retained round weight for the reporting week by gear type and area.

12. The species codes and corresponding product codes to the nearest hundredth of a metric ton (0.01 mt), by gear type and area. See the inside cover for codes. Ancillary product codes must be preceded by the letter "A."

13. The average PRR (product recovery ratio) for each major product listed during that weekly recording period.

14. The weekly total product weight. The total amount of each product produced during the week, by area, gear type, species and product type, in product weight to the nearest hundredth of a metric ton (0.01 mt).

\* Notwithstanding any other provision of the law, no person is required to respond to, no shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. Public reporting burden for this collection of information is estimated to average approximately 30 minutes per response (4.3 min/day), including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the National Marine Fisheries Service - Northwest Region, Fisheries Management Division, 7600 Sand Point Way NE, Seattle WA 98115. OMB Control No.: 0648-0271; Expiration Date: xx/xx/xxxx. This data collection will be mandatory upon implementation of a final rule under 50 CFR 660, subpart G, and is confidential under Section 402(b) of the Magnuson-Stevens Fishery Conservation and Management Act.

## **INSTRUCTIONS FOR THE PRODUCT TRANSFER/OFFLOADING LOGBOOK\***

**The Product Transfer/Offloading Logbook is required of all permitted processing vessels, and must be submitted as follows:**

The duplicate copy of the Product Transfer/Offloading log must be submitted to Northwest Region of NMFS **within 14 calendar days after the vessel leaves the fishery, or the fishery is closed.**

Duplicate pages of the logs must be faxed, sent by mail or hand-delivered.

**The Product Transfer/Offloading Logbook must record the following information on a periodic basis:**

The Product Transfer/Offloading Logbook will be maintained for each transfer or offloading of WOC groundfish in the EEZ, outside the EEZ, or within the boundaries of any State. All required data must be recorded within 12 hours of the completion of the transfer.

1. The page number. This number must be consecutive beginning with page one for the first day the vessel conducted any fishing operation after the start of the fishing year in the WOC and continuing throughout the logbook for the remainder of the fishing year. A separate page in the logbook must be used for each day a transfer or offload occurs.
2. The full name of the transferring vessel, Federal Fishing Permit for WOC the groundfish fishery and the current date (year-month-day) and time (Pacific Standard Time).
3. The full name of the receiving vessel or facility, Federal Fishing Permit for WOC the groundfish fishery, the transfer or offload position in geographical coordinates, and the intended port destination.
4. The WOC reporting area (670, 710, 720, 730, or 740).

\* Notwithstanding any other provision of the law, no person is required to respond to, no shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. Public reporting burden for this collection of information is estimated to average approximately 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the National Marine Fisheries Service - Northwest Region, Fisheries Management Division, 7600 Sand Point Way NE, Seattle WA 98115. OMB Control No.: 0648-0271; Expiration Date: xx/xx/xxxx. This data collection will be mandatory upon implementation of a final rule under 50 CFR 660, subpart G, and is confidential under Section 402(b) of the Magnuson-Stevens Fishery Conservation and Management Act.

PROPOSED RULE AT 50 CFR PART 663  
(now 50 CFR part 660, subpart G)

November 19, 1992, 57 FR 54552



[as sent by fcm2]

Billing Code: 3510-22

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 920546-2146 ]

RIN No. 0648-AE01

Pacific Coast Groundfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule and request for comments.

SUMMARY: The Secretary of Commerce (Secretary) proposes regulations to implement a comprehensive data collection and regulatory program for all processing vessels greater than 125 feet in length and for all harvesting vessels that deliver their catch to these vessels in the Pacific Coast groundfish fishery off the coasts of Washington, Oregon, and California. The program would consist of: (1) a requirement that processing vessels carry observers; (2) a requirement that processing vessels and vessels that deliver to processing vessels obtain Federal permits; (3) recordkeeping and reporting requirements; and (4) a revised definition of "fishing trip" for processing vessels over 125 feet

that process their own catch, and for harvesting vessels delivering fish to such processing vessels, for the purpose of applying trip landing and frequency limits that are necessary to restrict the landings of several groundfish species. This action is necessary to maintain accurate statistics on this fishery, which is rapidly changing. This action is authorized by Amendment 4 to the Pacific Coast Groundfish Fishery Management Plan (FMP). It is intended to further the goals and objectives of the FMP.

DATES: Comments are invited until [Insert date 30 days after date of filing with the Office of the Federal Register].

ADDRESSES: Comments may be sent to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way N.E., BIN C15700, Seattle, WA 98115-0070; or E.C. Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, CA 90731-7415. Draft logbook and report forms also are available for public review and comment at these addresses.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206-526-6140; Rodney R. McInnis at 213-514-6199; or the Pacific Fishery Management Council at 503-326-6352.

SUPPLEMENTARY INFORMATION: The domestic and foreign groundfish fisheries in the Exclusive Economic Zone (EEZ) in the Pacific Ocean off the coasts of Washington, Oregon, and California are managed by the Secretary according to the FMP prepared by the Pacific Fishery Management Council (Council) under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMP is implemented by regulations for U.S. fishermen at 50 CFR part 663. General regulations that also pertain to U.S. fishermen are at 50 CFR part 620. The FMP has been amended four times. The most recent amendment (Amendment 4) authorizes Federal data collection requirements, including Federal permits and observers, in the event that State data collection programs fail to provide the Secretary with statistical information for adequate management.

Data currently are collected by the States of Washington, Oregon, and California in cooperation with NMFS and the Council. Until recently, State regulations have been satisfactory because the vast majority of the Pacific Coast groundfish catch has been landed ashore at processing plants regulated by the States. However, a new class of fishing vessels built for fishing in Alaskan waters has begun fishing for Pacific whiting off Washington, Oregon, and California (WOC). These vessels are large, and either process their own catch and/or process the catch of fishing vessels that deliver to them. They may land, transfer, or offload their catch either at sea or at ports outside of the

Pacific fishery management area. For this reason, the Council has determined that the States are not capable of regulating and collecting necessary fishery management data from this class of vessels. Thus, the Council has recommended that the Secretary implement a comprehensive Federal data collection and regulatory program, as authorized by Amendment 4, to collect information necessary for fishery management from this class of vessels, and to regulate their activities.

The comprehensive data collection program consists of a mandatory observer program, a requirement for Federal permits, and reporting and recordkeeping requirements. The proposed rule also includes a definition of a "fishing trip" for the purpose of applying and enforcing trip limits. The program requires processing vessels greater than 125 feet in length ("processing vessels" or "processors") and fishing vessels that deliver fish to these processing vessels to obtain a Federal permit before being allowed to deliver or process fish in the fishery management area. These permits would be issued free of charge. The Secretary has implemented similar requirements in the domestic groundfish fisheries of the Gulf of Alaska and the Bering Sea and Aleutian Islands (55 FR 4839, February 12, 1990, and 54 FR 50386, December 6, 1989). The Secretary now proposes to impose similar measures in the Pacific groundfish fishery.

1. Mandatory Observer Program.

In June of 1990, a survey of domestic annual processing (DAP) needs for Pacific whiting off Washington, Oregon, and California was conducted by the Northwest Region, NMFS. The survey indicated that, for the first time, the entire annual quota could be taken by U.S. processors. This was attributed to the recent interest by processors from Alaska in utilizing Pacific whiting between Alaska pollock seasons (note: each Alaska pollock season has a separate quota; when a season is closed they normally go to Washington, Oregon, and California). In 1990, joint ventures between foreign processing vessels and U.S. harvesters, which are subject to 100 percent observer coverage by law, took 87 percent of the Pacific whiting quota. Displacement of the joint venture fishery by U.S. processors, which are not currently subject to an observer requirement, will result in a loss of observer data from which vital scientific, enforcement, and fisheries management data have been derived.

Domestic processors are large vessels, generally longer than 125 feet. Most harvest as well as process fish. Some only process fish delivered to them by other vessels. They are capable of harvesting and/or processing large quantities of fish in a relatively short time. Individually, they can process from 220 to 600 metric tons (mt) per day. As a group, the approximately 25 processors that expressed an interest in the Pacific whiting

fishery could take the entire Pacific whiting quota in less than 2 months. They may stay at sea for weeks, even months at a time, and may land, transfer, or offload finished product at sea or in Alaska or other areas outside the Pacific groundfish management area.

Few of the large U.S. processors have experience in the Pacific whiting fishery. It is not known whether they can fish for whiting effectively with nets designed for Alaskan waters, while avoiding high bycatches of salmon and other prohibited species. It is also not known to what extent they will harvest and retain or discard other groundfish species that are subject to trip landing and trip frequency limits imposed to prevent premature achievement of quotas or harvest guidelines. Observers are necessary onboard each processing vessel to collect information critical to determine the management requirements for this new domestic fishery. This information includes species composition data, biological data previously collected by observers onboard joint venture processing vessels, and catches of both prohibited species and species subject to trip limits.

NMFS has prepared an Observer Plan for the Pacific Coast Groundfish Fishery (Pacific Observer Plan) patterned after the Alaska Observer Plan. The main difference between the Alaska and Pacific plans is that the Pacific plan only requires observer coverage for processing vessels longer than 125 feet. Fishing vessels delivering to processing vessels will not be required to

carry an observer because the processing vessels will carry observers. Otherwise, the provisions of the Alaska Observer Plan regarding the responsibilities of NMFS, program administration, observer training and certification, contractor certification, observer debriefing, responsibilities of vessel operators, and the responsibilities of certified observer contractors have been incorporated in the Pacific Observer Plan.

Observers will be a uniformly trained group of scientific technicians whose function is data gathering. They will be stationed on processing vessels to gather data according to a statistically sound sampling plan to provide data that otherwise may not be accurately reported by processors or are too burdensome for processors to collect during their normal operations. The observer program is intended to augment the industry recordkeeping and reporting system. Observers will perform multiple duties including estimating haul weight, sampling for species composition, estimating product recovery rates, estimating discards and catch of prohibited species, collecting biological data and specimens, collecting data on the operation and characteristics of the vessel and fishing effort, and monitoring compliance with applicable regulations.

Copies of the Pacific Observer Plan may be obtained from the Regional Directors at the above addresses. The plan describes the responsibilities of NMFS, vessel operators, and NMFS-certified

contractors who will act as agents of NMFS in providing observers to processing vessels. Under the provisions of this proposed regulation, processing vessels may not begin operations in the fishery management area without an observer onboard unless an exemption has been granted in writing by NMFS.

## 2. Federal Permits.

Basic to any data collection program is the necessity for managers to know from whom they need to collect data. Also an important element in enforcing Federal regulations is the Government's ability to impose restrictions or sanctions on permits, including revocation if necessary, in the event of non-compliance with the regulations. Thus, the Council has recommended and NOAA proposes that all vessels subject to the comprehensive Federal data collection program be required to apply for and receive a free Federal permit as a condition of processing or delivering to a processing vessel in the Exclusive Economic Zone off the coasts of Washington, Oregon, and California (fishery management area). All processing vessels greater than 125 feet in length and all fishing vessels that deliver to them will be required to obtain permits. By this means NOAA will be able to identify those vessels that require observers, will be able to deliver and collect the appropriate logbook and reporting instructions, and will know from whom to expect Start and Stop Reports and weekly production



reports. In the absence of a Federal permit requirement, NOAA would be unable to identify those vessels that intended to process or deliver fish to a processing vessel in the area, which would make enforcement of the data collection program almost impossible.

Upon receipt of a properly completed application, the Northwest Regional Director, NMFS, will issue a Federal permit free of charge accompanied by the appropriate logbooks, forms, and instructions. A Federal permit will be valid only through December 31 of the year for which it was issued.

### 3. Recordkeeping and Reporting Requirements.

NOAA proposes the following new recordkeeping and reporting requirements for certain vessels: (1) processing vessels that process their own catch must maintain Daily Fishing and Cumulative Production Logs (DFCPLs), and Transfer/Offloading Logs (Transfer Logs); (2) processing vessels that receive fish from fishing vessels must maintain Daily Reports of Fish Received and Cumulative Production Logs (DRCPLs), and Transfer Logs; (3) fishing vessels that deliver unprocessed groundfish products to a processing vessel must maintain the daily effort and catch portion of DFCPLs; (4) processing vessels must notify the NMFS Northwest Region at least 24 hours prior to beginning operations in the fishery management area and at least 24 hours prior to leaving the fishery management area; and (5) processing vessels must submit Weekly Production

Reports (WPRs) that include timely data on species and product form, by gear and area. These requirements are necessary to provide adequate information on which to base both inseason and preseason management decisions affecting the Pacific whiting resource and the fisheries that utilize it.

To lessen the cost to the industry of meeting the recordkeeping and reporting requirements, NMFS will provide logbooks at no cost to the vessel operators. Logbooks will be printed on two-part carbonless paper so that vessel operators can simply tear out copies of log entries and submit them to NOAA as required, while retaining the originals until the end of the fishing year or until the recorded fish or fish products are no longer aboard, whichever occurs later.

Daily Fishing and Cumulative Production Log (DFCPL); Daily Report of Fish Received and Cumulative Production Log (DRCPL).

Processing vessels that process their own catch would be required to maintain a DFCPL. Processing vessels that only receive fish from harvesting vessels would be required to maintain a DRCPL. The DFCPL and DRCPL are identical except that the DFCPL combines the production log with a fishing effort and catch log and the DRCPL combines the production log with a record of fish received from other vessels. Harvesting vessels delivering to processing vessels would be required to maintain the fishing effort and catch section

of the DFCPL. The DFCPL and DRCPL logs record daily catch or catch receipt information, along with daily and cumulative production information.

The daily fishing effort and catch portion of the DFCPL includes: (1) vessel and gear specifications; (2) haul-by-haul information; (3) daily information on discards and retained catch; and (4) information on daily vessel activity. The haul-by-haul information includes the date, time, location, sea depth, trawl depth, haul weight, and duration of haul. (Comparable information would be recorded for each set if longline or pot gear is used.) The crew size information is broken out by fishing and processing crews where appropriate. The discard information is broken down by species, species group, and prohibited species. The estimated daily discards of prohibited species (e.g., halibut, Dungeness crab, and salmon) are recorded in numbers. All other species discard estimates are recorded by weight. The effort information is used to support enforcement operations and for biological and economic evaluation of existing and proposed fishery management measures. The daily fishing effort and catch portion is used to verify information reported in the WPRs.

Duplicate copies of the DFCPLs and DRCPLs would be submitted to NMFS periodically, whereas original copies of the logs would remain on the vessels at least until the end of the fishing year (longer if product remains on board past the end of the fishing

year). These logs would be made available to NMFS observers and to enforcement officers. Observers would use the information in the logs to assist in their data collection responsibilities. The discard information maintained in the logs would assist those responsible for completing the WPRs, which include estimates of discards.

Information relating to estimated haul weight or catch receipt weight would be recorded in the DFCPL or DRCPL within 2 hours after the fish are brought on board. Timely recording of this information is necessary so that enforcement officers may account for unrecorded product inventory. Other entries in the DFCPL and DRCPL would be updated within 12 hours of the end of the day on which the haul, receipt, or production occurred.

Each page of the DFCPL and DRCPL would include entries from only one statistical area and gear type to facilitate preparation of the WPR by processors. The WPR reflects the cumulative weekly production, as recorded in the DFCPL or DRCPL, and is used for inseason monitoring of quotas and harvest guidelines. Because quotas and harvest guidelines often are specified by statistical area and gear type, cumulative weekly production amounts must be recorded and reported by these same qualifiers.

The DFCPL and DRCPL also record daily discards by the processor. This information, along with discard information provided to processors by catcher vessel operators, would be

reported on the WPR and used to obtain information relating to total fishing mortality resulting from fishing operations. A comprehensive observer program will provide Pacific whiting, other groundfish, and prohibited species discard information from a significant portion of the industry. Observers need access to discard information recorded in the logs to help assess their estimates of discard amounts, particularly of prohibited species. Furthermore, all catcher vessels and processors must record discard information to provide at least a minimum estimate of discard mortality in the event of inadequate observer coverage. In addition to total mortality estimates, recorded discard estimates would be used to derive estimates of bias resulting from intentional or unintentional misreporting of data.

Specific information on the catcher vessel (vessel name, vessel permit number, and receipt time), together with the cumulative production information recorded in the DRCPL, would be used by enforcement officers to verify information reported on the WPRs. Product transfer information (recorded in the product transfer log) would be subtracted from the verified cumulative production information (in the DFCPL or DRCPL) to obtain the amount of product that should be present on a processor vessel.

Product Transfer/Offloading Logs (Transfer Logs).

Processors would be required to maintain a product transfer log similar to that currently required of processors in the Alaska

groundfish fishery. This log would record all shipments or transfers of product by species, product type, product weight (or units) and value, the name of the company or person transporting the product, the date of shipment, and the destination of the product.

Each processor required to maintain a transfer log would be required to submit to NMFS copies of their transfer log entries for each month in which transfers occurred. This information assists enforcement officers in verifying reported catch, and will be compared with the original transfer logs, DFCPLs, DRCPLs, and product inventory during vessel boardings to verify the amount of retained product reported in the WPRs.

Product weight, product types, and values for each species harvested in the WOC are currently recorded on State fish tickets for vessels landing in ports in WOC. The same information is needed from processing vessels. The transfer/offloading information from processing vessels will be incorporated with fish tickets into a coastwide data base to be used for socioeconomic analyses such as determining the impacts of current regulations and future proposed regulations on processing vessels in accordance with Executive Order 12291, the Regulatory Flexibility Act, and other applicable law.

### Weekly Production Report (WPR).

A weekly production report would be required of processing vessels as in the Alaska Region. It would summarize by area and gear: (1) total weight of catch or receipt of groundfish species and number of prohibited species; (2) weekly production by groundfish species and product form; and (3) product recovery rates by groundfish species and product form.

Processing vessels would report to NMFS both product weight and round weight. Vessels will also be required to provide product recovery rates along with the conversion to round weight. This information will help NMFS develop uniform standard conversion factors for converting product weight to round weight.

The WPRs are to be submitted weekly, by fax or telex. NMFS needs this information weekly to track the harvest rate. The fleet is large, with a potential to harvest large amounts in a short period. Without the weekly reports there is a high risk of overharvesting the resource or exceeding a quota before NMFS knows this has happened.

### Start and Stop Reports

The purpose of Start and Stop Reports is to allow NOAA to be aware of which processing vessels are operating in the WOC area each week so that NOAA knows which vessels are required to submit weekly reports and to help locate individual vessels in enforcement

and emergency situations. The Start and Stop Reports are to be sent by fax or telex to the Northwest Regional Office of NMFS.

4. Definition of "Fishing Trip" for the Application of Trip Limits.

The harvest of many species of Pacific groundfish is regulated by controlling the amount of fish that may be landed from a single fishing trip. The purpose of trip limits is to stretch the available quantity of fish for harvest as long as possible throughout the year to provide fresh fish for markets and processors and to prevent the waste and discards that would occur if fish caught after a catch quota was reached were discarded. Although the processing and fishing vessels covered by these requirements are expected to fish mainly for Pacific whiting, for which there is no trip limit, they may legally take other groundfish species that are subject to trip limits. Current regulations, however, define a fishing trip as the period of time between offloadings of catch. When a "fishing trip" was originally defined, almost all vessels harvesting groundfish returned to port and offloaded at a local processing plant, with a typical fishing trip lasting several days. Vessels that deliver to processors at sea and vessels that process their own catch, however, could either obtain an unfair advantage or be unfairly penalized compared to boats that return to port to offload if the current definition of a



"fishing trip" is not modified to address their different mode of operation.

For example, a fishing vessel that delivers to a processor at sea may make several deliveries a day. Under the current definition, each delivery could be considered a "fishing trip" and, if no trip frequency limit were in effect, the vessel could make an unlimited number of "trips" each day. This would defeat the purpose of imposing trip landing limits. On the other hand, processing vessels may not offload ("land") to another vessel or ashore for many weeks or even months. These vessels would be limited, during the period between offloadings, to a single trip limit while vessels that landed ashore could offload and return to the grounds frequently.

NOAA proposes to resolve these problems by tailoring a definition of "fishing trip" specifically for vessels delivering fish to a processor at sea, and for processing vessels that process their own catch. In regard to such vessels, NOAA proposes that the length of a "fishing trip," for the purpose of applying trip limits, be deemed to begin at 0001 hours each Wednesday and end at 2400 hours the following Tuesday.

##### 5. Definition of "Product Weight".

Commenters are particularly invited to comment on the definition of "product weight", which has been copied from Federal

regulations governing groundfish fisheries off Alaska.

#### Classification

This proposed rule is published under authority of the Magnuson Act, 16 U.S.C. 1801 et seq., and was prepared at the request of the Pacific Fishery Management Council. The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this proposed rule is necessary for the conservation and management of the Pacific coast groundfish fishery and that it is consistent with the Magnuson Act and other applicable law.

The NMFS prepared an Environmental Assessment/Regulatory Impact Review/Regulatory Flexibility Analysis (EA/RIR/RFA) for this rule, and the Assistant Administrator concluded that there will be no significant impact on the environment as a result of this rule. You may obtain a copy of the EA/RIR/RFA from the Addresses above.

The Assistant Administrator has determined that this is not a major rule requiring a regulatory impact analysis under Executive Order 12291. The proposed action will not have a cumulative effect on the economy of \$100 million or more nor will it result in a major increase in costs to consumers, industries, government agencies, or geographical regions. No significant adverse impacts are anticipated on competition, employment, investments,

productivity, innovation, or competitiveness of U.S.-based enterprises.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 603 et seq. This conclusion is based on the EA/RIR/RFA prepared for this rule which indicates that a NMFS survey of the class of vessels required to carry observers and comply with new recordkeeping/reporting and permit requirements indicated that gross revenues averaged \$8.2 million per vessel in 1989. Therefore, they are not small businesses. This additional recordkeeping/reporting and permit burden, although similar to that in the Alaska fisheries, is a new requirement in the Pacific Coast groundfish fishery that will result in increased costs of as much as \$500 per year for processors. Catcher vessels that deliver to processing vessels, because they are only required to maintain a daily fishing log, will incur a cost of less than \$200 per vessel per year, which is not a significant impact. The comprehensive data collection plan also would require that observers be aboard processing vessels over 125 feet at a cost of about \$6,000 per month per vessel.

The Assistant Administrator determined that this proposed rule contains a collection-of-information requirement subject to the

Paperwork Reduction Act. This collection-of-information requirement has been submitted to the Office of Management and Budget for approval. Most of the information collected under the proposed recordkeeping and reporting requirements is catch, effort, and production information normally maintained by the groundfish vessel operators for their own internal business purposes. Public recordkeeping and reporting burden for this collection of information is limited to the amount of time necessary for vessel operators to transfer this information to the required logbook or report and to submit this information to NMFS. The additional burden for the three modes of operation is estimated to average (1) 13 minutes per day for vessels that deliver to processors, (2) 20 minutes per day for vessels that process only, and (3) 33 minutes per day for vessels that catch and process at sea. The proposed rule also requires vessel owners to apply to NMFS for a Federal permit to operate in the fishery. The estimated burden associated with this regulation averages about 10 minutes per permit application per year for new applicants and less than 10 minutes per year for renewals. Send comments regarding these burden estimates or any other aspect of this collection of information, including suggestions for reducing this burden to NMFS at the address above, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (Attn. NOAA Desk Officer).

The NMFS Northwest Regional Director has determined that this rule does not directly affect the coastal zone of any State with an approved coastal management program.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 12612.

List of Subjects in 50 CFR Part 663

Administrative practice and procedure, Fisheries, Fishing, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 et seq.

Dated:

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For the reasons set out in the preamble, 50 CFR Part 663 is proposed to be amended as follows:

**Part 663 - PACIFIC COAST GROUND FISH FISHERY**

1. The authority citation for Part 663 continues to read as follows:

Authority: 16 U.S.C. 1801 et seq.

2. Section 663.2 is amended by revising the definition of "fishing trip" and by adding, in alphabetical order, definitions for "processing", "processing vessel", "product weight", and "trip frequency limit", as follows:

§663.2 DEFINITIONS. \* \* \*

\* \* \* \* \*

Fishing trip means a period of time between landings when fishing is conducted. For vessels delivering fish to a processing vessel and for processing vessels that process their own catch, a "fishing trip" for the purpose of applying trip limits is deemed to begin at 0001 hours Wednesday and end at 2400 hours the following Tuesday.

\* \* \* \* \*

Processing or to process means the preparation or packaging of groundfish to render it suitable for human consumption, industrial uses, or long-term storage, including but not limited to cooking, canning, smoking, salting, drying, filleting, freezing, or rendering into meal or oil, but does not mean heading and gutting unless additional preparation is done.

Processing vessel means any vessel of the United States over 125 feet in length (as stated on the vessel's U.S. Coast Guard Certificate of Documentation) that is used for, or equipped to be used for, processing groundfish in the fishery management area.

Product Weight means the weight of the fish product in pounds or to at least the nearest tenth of a metric ton (0.1 mt). Fish product weight is based upon the number of production units and the weight of those units. Production units include pans, cartons, blocks, trays, cans, bags, and individually frozen fish. The weight of a production unit is based on the average weight of the product as determined by analyzing representative samples. The weight of the production unit does not include packaging. The weight of the production unit does include water added to the product and other additives reported to NMFS. NMFS may use the weight of the production units, with an allowance for water not to exceed 5 percent of the weight of the production unit, to determine net weight, and to calculate round-weight equivalents.

\* \* \* \* \*

Trip frequency limit means the period of time during which a single trip limit may be landed.

\* \* \* \* \*

3. Section 663.3 is amended by adding paragraph (b) (4) as follows:

§663.3 Relation to other laws.

\* \* \* \* \*

(b) \* \* \*

(4) Marine mammals. Exemption permits and the recordkeeping and reporting of the incidental take of marine mammals in commercial fishing operations are governed by Federal regulations at 50 CFR 216.24 and 50 CFR part 229.

\* \* \* \* \*

4. Section 663.4 is revised to read as follows:



§663.4 Recordkeeping and reporting.

(a) State requirements. This part recognizes that catch and effort data necessary for implementing the Pacific Coast Groundfish Plan are collected by the States of Washington, Oregon, and California under existing State data collection requirements. Any person who is required to do so by the applicable State law must make and/or file any and all reports of groundfish landings containing all data, and in the exact manner, required by the applicable State law.

(b) DAP survey. Telephone surveys of the domestic industry (see sections II.G., II.H., and II.I. of the Appendix to this part) will be conducted by NMFS to determine amounts of fish that will be made available to foreign fishing and joint venture processing (OMB Approval No. 0648-0243).

(c) Processing requirements. This paragraph (c) applies to the owners and operators of processing vessels, and to the owners and operators of any vessel that delivers groundfish to a processing vessel. All references to "processing vessels" and "vessels" in this section include the owners and operators of those vessels. Depending on whether a processing vessel is processing its own catch, or is processing groundfish delivered by another vessel, different recordkeeping and reporting requirements apply. Some recordkeeping and reporting requirements also apply to vessels

that deliver groundfish to processing vessels. Where logbooks are required, they will be supplied by NMFS, Northwest Region, 7600 Sand Point Way N.E., BIN C15700, Seattle, WA 98115-0070; phone 206-526-6140; fax 206-526-6426. Any processing vessel that processes its own catch, and any vessel that delivers groundfish to a processing vessel, must maintain the Daily Fishing and Cumulative Production Logbook (DFCPL). Any processing vessel that processes groundfish delivered by another vessel must maintain the Daily Report of Fish Received and Cumulative Production Logbook (DRCPL). Any processing vessel that both catches and processes the fish it catches, as well as processes fish delivered to it, must complete both the DFCPL and the DRCPL. All processing vessels are required to submit Product Transfer/Offloading Logbooks (Transfer Logs), Weekly Production Reports (WPRs), and Stop and Start Reports.

(1) General requirements. (i) All records, reports, and logbooks required by this paragraph (c) must be completed in English, and must be legible, timely, accurate, and based on Pacific Local Time (PLT). For the purpose of logbook entries and reports, a week is defined as the period from 0001 hours Wednesday through 2400 hours the following Tuesday.

(ii) Vessels must make available the original of any record, report, or logbook required under this paragraph immediately upon the request of an authorized officer or observer at any time during

which the record, report, or logbook is required to be maintained.

(iii) Where submission of logbooks or reports is required, the logbooks or reports must be mailed, transmitted, or delivered to the Fisheries Management Division - F/NWR3, NMFS, 7600 Sand Point Way NE, Building 1, Seattle WA 98115-0070; fax 206-526-6426; telex 910-444-2786. Logbooks and reporting forms provided by the Northwest Regional Director must be used.

(iv) No person except an authorized officer may remove any original page of any logbook or report from the vessel until the end of the fishing year and for as long thereafter as fish or fish products recorded in the logbooks and/or reports are retained on board that vessel.

(v) Any entry or recording of information which is required to be made in a logbook or report must be made in indelible ink. No person except an authorized officer may alter or change any entry or record in a logbook or report except that an inaccurate or incorrect entry or record may be corrected by lining out the original and inserting and initialing the correction, provided that the original entry or record remains legible.

(2) Daily Fishing and Cumulative Production Logbook (DFCPL).

A processing vessel that only processes its own catch and does not process groundfish delivered from other vessels, and any vessel that delivers groundfish to a processing vessel must maintain a

DFCPL, which is a daily record of fishing effort and catch, and, for a processing vessel, a cumulative production record of groundfish harvested by that vessel. A processing vessel that processes its own catch must complete the entire log. A vessel that delivers its catch to a processing vessel is not required to complete the production section of the DFCPL. The following information must be recorded:

(i) The page number, numbered consecutively each day beginning with page one for the first day the vessel conducted any fishing activity subject to this section after the start of the fishing year and continuing throughout the logbook for the remainder of the fishing year. If such fishing activity is conducted with more than one gear type, in more than one reporting area, or for more than one target species during any day, a separate page must be used for each gear type, reporting area, or target species.

(ii) The date.

(iii) The vessel's name and number of the Federal permit issued pursuant to §663.11.

(iv) The management subarea (as defined in §663.5) where the vessel fished.

(v) The gear type used by the vessel (pelagic trawl, bottom trawl, roller trawl, hook and line, or pot gear).

(vi) Whether or not an observer is onboard the vessel and the name of the observer, if onboard.

(vii) The number of crew members.

(viii) For each haul or set, as appropriate to the gear type employed:

(A) The trawl or set number. This number must be consecutive beginning with number one for the first haul or set of the year in the fishery management area.

(B) The time the trawl or set reaches fishing depth.

(C) The position of the vessel, in geographic coordinates, when the trawl or set reaches fishing depth.

(D) The average sea depth during the trawl or set in fathoms.

(E) The average depth the gear is fished in fathoms.

(F) The total number of hooks or pots, if applicable.

(G) The time at the beginning of gear retrieval.

(H) The position of the vessel, in geographic coordinates, at the beginning of retrieval of the trawl or set.

(I) The estimated total weight of the entire trawl haul or set in round weight to the nearest one tenth of a metric ton (0.1 mt).

(J) The total time of the tow or set between the time the gear reaches the fishing depth and begins to fish and the beginning of retrieval.

(K) For those vessels that deliver their catch to a processing vessel, the name of the processing vessel.

(ix) The following information must be recorded for each species or species group, to the nearest hundredth of a metric ton (0.01 mt) round weight for groundfish and by number for prohibited species:

(A) The daily amount of each groundfish species or species group, and prohibited species that is discarded.

(B) The daily amount of each groundfish species or species group retained.

(C) The balance forward of prohibited species and of retained or discarded groundfish species or species groups during a week. At the beginning of a week, the balance forward for that week will be zero.

(D) The cumulative weekly total of prohibited species and of retained or discarded groundfish species or species groups.

(x) A processing vessel must also maintain in its DFCPL the following production information for groundfish retained by that vessel, in product weight to the nearest hundredth of a metric ton (0.01 mt):

(A) The total product weight by species or species group and product type for each day's catch. Production information must be entered for the date on which the fish were caught (i.e., when the haul or set is brought on board).

(B) The cumulative balance forward of species product amounts during a week. At the beginning of a week, the balance forward for

that week will be zero.

(C) The product recovery rate by species or species group and product type.

(D) The cumulative weekly total product aboard by species and product type.

(xi) The signature of the operator of the vessel.

(xii) Data entry. Entries in the DFCPL as to trawl or set number, date, time, position, and estimated catch weight must be recorded within 2 hours after the fish are brought on board from each applicable trawl or set. All other information required in the DFCPL must be recorded by noon of the following day.

(xiii) Log submittal. A processing vessel that harvests groundfish must submit the duplicate copy of its DFCPL to the Fisheries Management Division, NMFS, within 14 calendar days after the vessel departs from the fishery management area, or quarterly (by March 31, June 30, September 30, or December 31) if the vessel does not depart from the fishery during that quarter. A vessel delivering groundfish to a processing vessel must mail or hand-deliver a duplicate copy of the DFCPL to the Fisheries Management Division, NMFS, at least quarterly (by March 31, June 30, September 30, or December 31).

(3) Daily Report of Fish Received and Cumulative Production Logbook (DRCPL). A processing vessel that processes only those

groundfish received from another vessel must maintain a DRCPL, which is a daily record of groundfish received and a cumulative production record of that groundfish. The following information must be recorded:

(i) The page number, numbered consecutively beginning with page one for the first day the processing vessel received fish after the start of the fishing year and continuing throughout the logbook for the remainder of the fishing year. A separate page must be used for each day's entry and for each gear type, reporting area, or target species.

(ii) The date.

(iii) The processing vessel's name and number of the Federal permit issued pursuant to §663.11.

(iv) The management subarea (as defined in §663.5) where the vessel receives groundfish.

(v) The gear type used by the catcher vessel (pelagic trawl, bottom trawl, roller trawl, hook-and-line, or pot gear).

(vi) Whether or not an observer is onboard and the name of the observer if onboard.

(vii) The number of crew members.

(viii) The signature of the operator of the vessel must be included in each daily record of a DRCPL.

(ix) For each groundfish set or trawl codend received:

(A) The haul or set receipt number. This number must be



consecutive beginning with number one for the first haul or set of the day in the fishery management area.

(B) The time when the set or codend is received.

(C) The position of the processing vessel in geographic coordinates when the set or codend is received.

(D) The name of the fishing vessel delivering the set or codend.

(E) The number of the Federal permit issued under §663.11 for the fishing vessel delivering the set or codend.

(F) The estimated total weight of the set or codend in round weight to the nearest tenth of a metric ton (0.1 mt).

(G) The target species if other than Pacific whiting. (This may be entered in the "Comments" section.)

(x) The following information must be recorded in the receipt portion of the DRCPL for each species or species group, to the nearest hundredth of a metric ton (0.01 mt) round weight for groundfish and by number for prohibited species:

(A) The daily amount of each groundfish species or species group, and prohibited species that is discarded.

(B) The daily amount of each groundfish species or species group retained.

(C) The balance forward of prohibited species, and of discarded or retained groundfish species or species groups during a week. At the beginning of a week, the balance forward for that

week will be zero.

(D) The cumulative weekly total of prohibited species and of discarded or retained groundfish by species or species group.

(xi) A processing vessel must also maintain in its DRCPL the following production information for groundfish retained by that vessel, in product weight to the nearest hundredth of a metric ton (0.01 mt):

(A) The total product weight by species or species group and product type for each day's production. Production information must be entered for the date on which the fish were delivered (i.e., when the haul or set is brought on board).

(B) The cumulative balance forward of species product amounts during a week. At the beginning of a week, the balance forward for that week will be zero.

(C) The product recovery rate by species or species group and product type.

(D) The cumulative weekly total product aboard by species and product type.

(xii) Data entry. The date and time of receipt of a set or codend, the name of the delivering vessel, the position of the processing vessel and the estimated catch receipt weight, must be recorded in the DRCPL within 2 hours after the set, codend, or catch is received. All other information required in the DRCPL must be recorded by noon of the day following the day the catch

receipt occurred.

(xiii) Log submittal. A duplicate copy of the DRCPL must be mailed or hand-delivered to the Fisheries Management Division, NMFS, within 14 calendar days after the vessel departs from the fishery management area, or quarterly (by March 31, June 30, September 30, or December 31) if the vessel does not depart from the fishery management area during the quarter.

(4) Product Transfer/Offloading Logbook (Transfer Log). For each transfer or offloading of groundfish, shoreward of the outer boundary of the fishery management area, the processing vessel that receives the groundfish must maintain a Transfer Log. The following information must be recorded:

(i) The page number, numbered consecutively beginning with page one for the first transfer occurring after the start of the fishing year and continuing throughout the logbook for the remainder of the fishing year.

(ii) The time (PLT), date, and position (in geographic coordinates or, if within a port, the name of the port) the transfer or offloading began and was completed.

(iii) The product weight and product type, to the nearest kilogram (one thousandth of a metric ton (0.001 mt)), number of units, if applicable, and product value either by kilo or unit, by species or species group, of all fish products transferred or

offloaded.

(iv) The vessel name and documentation number of the vessel receiving the product or, if to a shoreside location, the name of the location and commercial facility receiving the product.

(v) The intended port of destination of the receiving vessel if transferred to another vessel.

(vi) Data entry. All required data must be recorded within 12 hours of the completion of the transfer or offloading.

(vii) Log submittal. A duplicate copy of the Transfer Log for each month in which any product transfer or offloading occurred must be faxed, mailed, or hand-delivered to the Fisheries Management Division, NMFS, within 14 calendar days after the end of the month in which a transfer or offloading occurred. **[note: The submittal requirements are expected to change when this regulation becomes final. After this proposed rule was published, NMFS recommended that the number of submissions could be reduced by requiring transfer logs to be submitted within 14 days after the vessel leaves the fishery or the fishery is closed rather than within 14 days after the end of the month in which a transfer or offloading occurred.]**

(5) Weekly Production Report (WPR). After submitting a Start Report under paragraph (c)(6) of this section, and continuing until that vessel submits a Stop Report under paragraph (c)(6) of this section, a processing vessel must submit a WPR for each fishing

week. If a processing vessel that catches groundfish also receives groundfish from other catcher vessels during the same week, data must be submitted separately for each operation. If a processing vessel fishes for or receives a target species other than Pacific whiting, a separate WPR must be submitted for that fishery, preceded by the name of the target species. Each WPR must contain the following information:

(i) Vessel name, Federal permit number, and radio call sign.

(ii) The ending date of the weekly reporting period.

(iii) Submitter's name, telephone number, and fax or telex number.

(iv) The number of days that the vessel fished and the number of days that the vessel received groundfish, the number of vessels that delivered groundfish, and total number of deliveries (codends or sets received) during the week, by area and gear type. A vessel that processes its own catch must enter: the number "0" under "number of delivery vessels", and the number of hauls or sets it made under "number of codends."

(v) The total product weight for the week by species or species group, product type, area and gear type, to the nearest one hundredth of a metric ton (0.01 mt).

(vi) The product recovery rate for each species or species group and product type.

(vii) The total round weight of all fish caught or received

during the week, by species or species group, area, and gear type, to the nearest one hundredth of a metric ton (0.01 mt).

(viii) The number of each prohibited species, by area and gear type.

(ix) Data entry. The DFCPL or DRCPL is the basis for the information submitted in the WPR.

(x) Report submittal. The WPR must be received by the Fisheries Management Division, NMFS, within 48 hours of the end of each fishing week (i.e., prior to 2400 hours each Thursday). The WPR must be transmitted by fax or telex as described in paragraph (c)(1)(iii) of this section, unless otherwise specified by the Regional Director.

(6) Start and Stop Reports. If a processing vessel enters the fishery management area to fish for, receive, or process groundfish in the fishery management area, the vessel must transmit a Start Report. Before a processing vessel departs from the fishery management area after having fished for, received, or processed groundfish in the fishery management area, the vessel must transmit a Stop Report. Each Start and Stop Report must contain the following information:

(i) The vessel's name, Federal permit number, and radio call sign.

(ii) The date and hour (PLT) when fishing, receipt of fish, or

processing will begin or the vessel will leave the fishery management area.

(iii) The management subarea (as defined in §663.5) and the position in geographical coordinates where fishing, receipt of fish, or processing is to begin, or from which the vessel will leave the fishery management area.

(iv) Report submittal. Each Start Report must be transmitted at least 24 hours before fishing, receiving, or processing begins. Each Stop Report must be transmitted at least 24 hours before the departure from the fishery management area. Processing vessels must transmit Stop and Start Reports by fax or telex as described in paragraph (c)(1)(iii) of this section, unless otherwise specified by the Regional Director.

5. Section 663.7 is amended by revising paragraph (f) and adding paragraphs (n), (o), and (p) to read as follows:

§663.7 Prohibitions.

\* \* \* \* \*

(f) Take and retain, receive and retain, possess, or land more groundfish than specified under §663.23, §663.24, or under an EFP issued under §663.10.

\* \* \* \* \*

(n) Fish for, receive, or process groundfish with a processing vessel that does not have aboard a valid permit required in §663.11, records, reports, or logbooks required in §663.4, or an observer as required in §663.30.

(o) Falsify or fail to make, keep, maintain, submit, or make available for inspection any record, logbook, or report as required by this part.

(p) With respect to observers:

(1) Forcibly assault, resist, oppose, impede, intimidate, or interfere with an observer;

(2) Interfere with or bias the sampling procedure employed by an observer, including sorting or discarding any catch before sampling; or tamper with, destroy, or discard an observer's collected samples, equipment, records, photographic film, papers, or personal effects without the express consent of the observer;

(3) Prohibit or bar by command, impediment, threat, coercion, or by refusal of reasonable assistance, an observer from collecting samples, conducting product recovery rate determinations, making observations, or otherwise performing the observer's duties; or

(4) Harass an observer by conduct that has sexual



connotations, has the purpose or effect of interfering with the observer's work performance, or otherwise creates an intimidating, hostile, or offensive environment. In determining whether conduct constitutes harassment, the totality of the circumstances, including the nature of the conduct and the context in which it occurred, will be considered. The determination of the legality of a particular action will be made from the facts on a case-by-case basis.

6. Part 663 is amended by adding a new §663.11 as follows:

§663.11 Permits.

(a) General. In the fishery management area, a processing vessel may not fish for or process groundfish, nor may a vessel deliver groundfish to a processing vessel without possessing on board the vessel a vessel permit issued under this section. All references to "processing vessel" and "vessel" in this section include the owners and operators of those vessels. Permits will be issued without charge and renewed annually.

(b) Application. The vessel permit required under paragraph (a) of this section may be obtained by submitting to the Northwest Regional Director a written application containing the following

information:

(1) The vessel owner's name, mailing address, and telephone and fax numbers.

(2) The name of the vessel.

(3) The vessel's U.S. Coast Guard documentation number.

(4) The home port of the vessel.

(5) The length and net tonnage of the vessel.

(6) The hull color of the vessel.

(7) The names of all operators and/or lessees of the vessel.

(8) The type of operations the vessel will conduct (i.e., processing only or processing and harvesting).

(9) For harvesting vessels, the type of fishing gear to be used.

(10) The signature of the applicant and date of signature.

(c) Issuance. (1) Except pursuant to the permit denial procedures set forth in subpart D of 15 CFR part 904, upon receipt of a properly completed application, the Regional Director will issue the permit required by paragraph (a) of this section.

(2) Upon receipt of an incomplete or improperly completed application, the Regional Director will notify the applicant of the deficiency in the application. If the applicant fails to correct the deficiency within 30 days following the date of notification, the application will be considered abandoned.

(d) Notification of Change. Any person who has applied for and received a permit under this section shall give written notice of any change in the information provided under paragraph (b) of this section to the Northwest Regional Director within 30 days of the date of that change. Failure to provided written notice of change will invalidate the permit.

(e) Duration. A permit is valid through December 31 of the year for which it was issued unless it is revoked, suspended, or modified under subpart D of 15 CFR part 904.

(f) Alteration. No person may alter, erase, or mutilate any permit issued under this section. Any permit that has been intentionally altered, erased, or mutilated will be invalid.

(g) Transfer. Permits issued under this section are not transferable or assignable. Each permit is valid only for the vessel for which it is issued.

(h) Inspection. Any permit issued under this section must be presented for inspection upon request of any authorized officer.

7. Part 663 is amended by adding a new §663.30 as follows:

§663.30 Observers.

(a) Purpose. The purpose of this section is to provide for the placement, accommodation, and security of scientific technicians known as "observers" aboard processing vessels.

Observers, while stationed aboard processing vessels, will carry out such scientific, compliance monitoring, and other functions as are specified in the Pacific Observer Plan (NMFS, Northwest Region). A copy of the Pacific Observer Plan will be issued to each processing vessel.

(b) Scope. This section applies to the owners and operators of processing vessels. All references to "processing vessels" in this section include the owners and operators of those vessels.

(c) Coverage. Each processing vessel is required to carry an observer aboard when fishing for or processing groundfish within the fishery management area, unless an exemption has been granted in writing by the Regional Director.

(d) Responsibilities. A processing vessel must:

(1) Provide all costs of accommodations for the observer that are equivalent to those provided for crew members, and the expenses for such accommodation shall be undertaken or arranged for by the vessel;

(2) Maintain safe conditions on the vessel for the protection of the observer during the time the observer is on board the vessel by adhering to all U.S. Coast Guard and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel and by keeping on board the vessel:

(i) Adequate fire fighting equipment;

(ii) A life raft capable of holding all persons on board; and

(iii) Other equipment required by U.S. Coast Guard regulations pertaining to safe operation of the vessel;

(3) Allow the observer, upon request, to use the vessel's communication equipment and personnel for the transmission and receipt of messages;

(4) Allow the observer, upon request, to use the vessel's navigation equipment and personnel to determine the vessel's position;

(5) Allow the observer free and unobstructed access to the vessel's bridge, trawl, or working decks, holding bins, processing areas, freezer spaces, weight scales, cargo holds and any other space that may be used to hold, process, weigh, or store fish or fish products at any time;

(6) Notify the observer at least 15 minutes before fish are brought on board, or fish or fish products are transferred from the vessel, to allow the observer to sample the catch or observe the transfer, unless the observer specifically requests not to be notified;

(7) Allow the observer to inspect and copy the vessel's DFCPL, DRCPL, Transfer Log, and any other logbook, record, report, or document required by regulations;

(8) Provide all other reasonable assistance to enable the observer to carry out his or her duties;

(9) Move the vessel to such places and at such times as may be

designated by the Regional Director (or his designee) for purposes of embarking and debarking the observer;

(10) Ensure that transfers of observers at sea via small boat or raft are carried out during daylight hours, under safe conditions, and with the agreement of the observer involved;

(11) Notify the observer at least 3 hours before an observer is transferred;

(12) Provide a safe pilot ladder and conduct the transfer in such a way as to ensure the safety of the observer during the transfer; and

(13) Provide an experienced crew member to assist the observer in the small boat or raft, when an observer is transferred from boat to boat at sea.

## § 660.321

(d) *Additional guidelines.* Additional guidelines governing determination of the limited entry and open access allocations are in the PCGFMP.

(e) *Treaty Indian fisheries.* Certain amounts of groundfish may be set aside biennially or annually for tribal fisheries prior to dividing the balance of the allowable catch between the limited entry and open access fisheries. Tribal fisheries conducted under a set-aside are not subject to the regulations governing limited entry and open access fisheries.

(f) *Recreational fisheries.* Recreational fishing for groundfish is outside the scope of, and not affected by, the regulations governing limited entry and open access fisheries. Certain amounts of groundfish may be specifically allocated to the recreational fishery, and will be set aside prior to dividing the commercial allocation between the commercial limited entry and open access fisheries.

[61 FR 34572, July 2, 1996, as amended at 68 FR 52523, Sept. 4, 2003. Redesignated at 69 FR 42350, July 15, 2004]

### § 660.321 Black rockfish harvest guideline.

From the commercial harvest of black rockfish off Washington State, a treaty Indian tribes' harvest guideline is set of 20,000 lb (9,072 kg) for the area north of Cape Alava, WA (48°09.50' N. lat.) and 10,000 lb (4,536 kg) for the area between Destruction Island, WA (47°40' N. lat.) and Leadbetter Point, WA (46°38.17' N. lat.). This harvest guideline applies and is available to the treaty Indian tribes identified in § 660.324(b).

[69 FR 77029, Dec. 23, 2004]

### § 660.322 Sablefish allocations.

(a) *Tribal-nontribal allocation.* The sablefish allocation to Pacific coast treaty Indian tribes identified at § 660.324(b) is 10 percent of the sablefish total catch OY for the area north of 36° N. lat. This allocation represents the total amount available to the treaty Indian fisheries before deductions for discard mortality. The annual tribal sablefish allocations are provided in § 660.385(a).

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(b) *Between the limited entry and open access sectors.* Sablefish is allocated between the limited entry and open access fisheries according to the procedure described in § 660.320(a).

(c) *Between the limited entry trawl and limited entry nontrawl sectors.* The limited entry sablefish allocation is further allocated 58 percent to the trawl sector and 42 percent to the nontrawl (longline and pot/trap) sector.

(d) *Between the limited entry fixed gear primary season and daily trip limit fisheries.* Within the limited entry nontrawl sector allocation, 85 percent is reserved for the primary season described in § 660.372(b), leaving 15 percent for the limited entry daily trip limit fishery described in § 660.372(c).

(e) *Ratios between tiers for sablefish endorsed limited entry permit holders.* The Regional Administrator will biennially or annually calculate the size of the cumulative trip limit for each of the three tiers associated with the sablefish endorsement such that the ratio of limits between the tiers is approximately 1:1.75:3.85 for Tier 3: Tier 2: Tier 1, respectively. The size of the cumulative trip limits will vary depending on the amount of sablefish available for the primary fishery and on estimated discard mortality rates within the fishery. The size of the cumulative trip limits for the three tiers in the primary fishery will be announced in § 660.372.

[69 FR 77029, Dec. 23, 2004]

### § 660.323 Pacific whiting allocations, allocation attainment, and inseason allocation reapportionment.

(a) *Allocations.* (1) Annual treaty tribal whiting allocations are provided in § 660.385(e).

(2) The non-tribal commercial harvest guideline for whiting is allocated among three sectors, as follows: 34 percent for the catcher/processor sector; 24 percent for the mothership sector; and 42 percent for the shoreside sector. No more than 5 percent of the shoreside allocation may be taken and retained south of 42° N. lat. before the start of the primary whiting season north of 42° N. lat. These allocations are harvest guidelines unless otherwise announced in the FEDERAL REGISTER. The non-

## Fishery Conservation and Management

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tribal Pacific whiting allocations in 2005 are as follows:

(i) Catcher/processor sector—78,903 mt(34 percent);

(ii) Mothership sector—55,696 mt(24 percent);

(iii) Shore-based sector—97,469 mt(42 percent). No more than 5 percent (4,873 mt) of the shore-based whiting allocation may be taken before the shore-based fishery begins north of 42° N. lat. on June 15, 2005.

(b) *Reaching an allocation.* If the whiting harvest guideline, commercial harvest guideline, or a sector's allocation is reached, or is projected to be reached, the following action(s) for the applicable sector(s) may be taken as provided under paragraph (e) of this section and will remain in effect until additional amounts are made available the next fishing year or under paragraph (e) of this section.

(1) *Catcher/processor sector.* Further taking and retaining, receiving, or at-sea processing of whiting by a catcher/processor is prohibited. No additional unprocessed whiting may be brought on board after at-sea processing is prohibited, but a catcher/processor may continue to process whiting that was on board before at-sea processing was prohibited.

(2) *Mothership sector.* Further receiving or at-sea processing of whiting by a mothership is prohibited. No additional unprocessed whiting may be brought on board after at-sea processing is prohibited, but a mothership may continue to process whiting that was on board before at-sea processing was prohibited. Whiting may not be taken and retained, possessed, or landed by a catcher vessel participating in the mothership sector.

(3) *Shoreside sector.* Whiting may not be taken and retained, possessed, or landed by a catcher vessel participating in the shoreside sector except as authorized under a trip limit specified under § 660.370(c).

(4) *Shoreside south of 42° N. lat.* If 5 percent of the shoreside allocation for whiting is taken and retained south of 42° N. lat. before the primary season for the shoreside sector begins north of 42° N. lat., then a trip limit specified under § 660.370(c) may be implemented south of 42° N. lat. until the northern pri-

mary season begins, at which time the southern primary season would resume.

(c) *Reapportionments.* That portion of a sector's allocation that the Regional Administrator determines will not be used by the end of the fishing year shall be made available for harvest by the other sectors, if needed, in proportion to their initial allocations, on September 15 or as soon as practicable thereafter. NMFS may release whiting again at a later date to ensure full utilization of the resource. Whiting not needed in the fishery authorized under § 660.324 may also be made available.

(d) *Estimates.* Estimates of the amount of whiting harvested will be based on actual amounts harvested, projections of amounts that will be harvested, or a combination of the two. Estimates of the amount of Pacific whiting that will be used by shoreside processors by the end of the fishing year will be based on the best information available to the Regional Administrator from state catch and landings data, the survey of domestic processing capacity and intent, testimony received at Council meetings, and/or other relevant information.

(e) *Announcements.* The Assistant Administrator will announce in the FEDERAL REGISTER when a harvest guideline, commercial harvest guideline, or an allocation of whiting is reached, or is projected to be reached, specifying the appropriate action being taken under paragraph (b) of this section. The Regional Administrator will announce in the FEDERAL REGISTER any reapportionment of surplus whiting to others sectors on September 15, or as soon as practicable thereafter. In order to prevent exceeding the limits or to avoid underutilizing the resource, prohibitions against further taking and retaining, receiving, or at-sea processing of whiting, or reapportionment of surplus whiting may be made effective immediately by actual notice to fishermen and processors, by e-mail, internet ([www.nwr.noaa.gov/lsustfsh/groundfish/whiting\\_mgt.htm](http://www.nwr.noaa.gov/lsustfsh/groundfish/whiting_mgt.htm)), phone, fax, letter, press release, and/or USCG Notice to Mariners (monitor channel 16 VHF), followed by publication in the FEDERAL REGISTER, in which instance public



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comment will be sought for a reasonable period of time thereafter. If insufficient time exists to consult with the Council, the Regional Administrator will inform the Council in writing of actions taken.

[69 FR 42350, July 15, 2004, as amended at 69 FR 77029, Dec. 23, 2004; 70 FR 22812, May 3, 2005; 70 FR 28853, May 19, 2005]

§ 660.324 Pacific Coast treaty Indian fisheries.

(a) Pacific Coast treaty Indian tribes have treaty rights to harvest groundfish in their usual and accustomed fishing areas in U.S. waters.

(b) For the purposes of this part, Pacific Coast treaty Indian tribes means the Hoh, Makah, and Quileute Indian Tribes and the Quinault Indian Nation.

(c) The Pacific Coast treaty Indian tribes' usual and accustomed fishing areas within the fishery management area (FMA) are set out below in paragraphs (c)(1) through (c)(4) of this section. Boundaries of a tribe's fishing area may be revised as ordered by a Federal court.

(1) *Makah*—That portion of the FMA north of 48°02'15" N. lat. (Norwegian Memorial) and east of 125°44'00" W. long.

(2) *Quileute*—That portion of the FMA between 48°07'36" N. lat. (Sand Point) and 47°31'42" N. lat. (Queets River) and east of 125°44'00" W. long.

(3) *Hoh*—That portion of the FMA between 47°54'18" N. lat. (Quillayute River) and 47°21'00" N. lat. (Quinault River) and east of 125°44'00" W. long.

(4) *Quinault*—That portion of the FMA between 47°40'06" N. lat. (Destruction Island) and 46°53'18" N. lat. (Point Chehalis) and east of 125°44'00" W. long.

(d) *Procedures*. The rights referred to in paragraph (a) of this section will be implemented by the Secretary, after consideration of the tribal request, the recommendation of the Council, and the comments of the public. The rights will be implemented either through an allocation of fish that will be managed by the tribes, or through regulations in this section that will apply specifically to the tribal fisheries. An allocation or a regulation specific to the tribes shall be initiated by a written request from a Pacific Coast treaty Indian tribe to the Regional Administrator, prior to

the first Council meeting in which biennial harvest specifications and management measures are discussed for an upcoming biennial management period. The Secretary generally will announce the annual tribal allocations at the same time as the announcement of the harvest specifications. The Secretary recognizes the sovereign status and co-manager role of Indian tribes over shared Federal and tribal fishery resources. Accordingly, the Secretary will develop tribal allocations and regulations under this paragraph in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus.

(e) *Identification*. A valid treaty Indian identification card issued pursuant to 25 CFR part 249, subpart A, is *prima facie* evidence that the holder is a member of the Pacific Coast treaty Indian tribe named on the card.

(f) A limited entry permit under § 660.331 through § 660.341 is not required for participation in a tribal fishery described in paragraph (d) of this section.

(g) Fishing under this section by a member of a Pacific Coast treaty Indian tribe within their usual and accustomed fishing area is not subject to the provisions of other sections of this part.

(h) Any member of a Pacific Coast treaty Indian tribe must comply with this section, and with any applicable tribal law and regulation, when participating in a tribal groundfish fishery described in paragraph (d) of this section.

(i) Fishing by a member of a Pacific Coast treaty Indian tribe outside the applicable Indian tribe's usual and accustomed fishing area, or for a species of groundfish not covered by an allocation or regulation under this section, is subject to the regulations in the other sections of this part.

(j) *Black rockfish*. Harvest guidelines for commercial harvests of black rockfish by members of the Pacific Coast Indian tribes using hook and line gear will be established biennially for two subsequent one year periods for the areas between the U.S.-Canadian border and Cape Alava (48°09'30" N. lat.) and between Destruction Island (47°40'00" N. lat.) and Leadbetter Point (46°38'10" N. lat.), in accordance with

# Magnuson-Stevens Fishery Conservation and Management Act

## Public Law 94-265

As amended through October 11, 1996

### SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS 16 U.S.C. 1853

95-354, 99-659, 101-627, 104-297

**(a) REQUIRED PROVISIONS.**--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall--

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are--

(A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify--

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and describe the likely effects, if any, of the conservation and management measures on--

(A) participants in the fisheries and fishing communities affected by the plan or amendment; and

(B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants;

(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority--

(A) minimize bycatch; and

(B) minimize the mortality of bycatch which cannot be avoided;

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

**97-453, 99-659, 101-627, 102-251, 104-297**

**(b) DISCRETIONARY PROVISIONS.**--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to--

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]\* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]\*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the--

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account--

- (A) present participation in the fishery,
- (B) historical fishing practices in, and dependence on, the fishery,
- (C) the economics of the fishery,
- (D) the capability of fishing vessels used in the fishery to engage in other fisheries,
- (E) the cultural and social framework relevant to the fishery and any affected fishing communities, and
- (F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and

(12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

**97-453, 104-297**

**(c) PROPOSED REGULATIONS.**--Proposed regulations which the Council deems necessary or appropriate for the purposes of--

(1) implementing a fishery management plan or plan amendment shall be submitted to the Secretary simultaneously with the plan or amendment under section 304; and

(2) making modifications to regulations implementing a fishery management plan or plan amendment may be submitted to the Secretary at any time after the plan or amendment is approved under section 304.

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under § 351.211 or a determination under § 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine, consistent with *FAG Italia v. United States*, 291 F.3d 806 (Fed. Cir. 2002), as appropriate, whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)), and 19 CFR 351.221(c)(1)(i).

Dated: March 30, 2006.

**Thomas F. Futtner,**

*Acting Office Director, AD/CVD Operations,  
Office 4 Import Administration.*

[FR Doc. E6-4938 Filed 4-4-06; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-821-811]

#### Continuation of Suspended Antidumping Duty Investigation: Ammonium Nitrate from the Russian Federation

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** As a result of the determinations by the Department of Commerce ("the Department") and the International Trade Commission ("ITC") that termination of the suspended antidumping duty investigation on ammonium nitrate from the Russian Federation ("Russia") would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, the Department is publishing this notice of continuation of this suspended investigation.

**EFFECTIVE DATE:** April 5, 2006.

#### FOR FURTHER INFORMATION CONTACT:

Judith Wey Rudman or Aishe Allen, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0192, or 482-0172, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 31 and April 1, 2005, respectively, the ITC instituted, and the Department initiated, a sunset review of the Agreement Suspending the Antidumping Duty Investigation of Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation ("*Suspension Agreement*"), pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). See *ITC Investigation Nos. 731-TA-856 (Review), Ammonium Nitrate from Russia*, 70 FR 16517 (March 31, 2005) and *Initiation of Five-Year (Sunset) Reviews*, 70 FR 16800 (April 1, 2005). As a result of its review, pursuant to sections 751(c) and 752 of the Act, the Department determined that termination of the suspended antidumping duty investigation on ammonium nitrate from Russia would likely lead to a continuation or recurrence of dumping and notified the ITC of the magnitude of the margin likely to prevail should the *Suspension Agreement* be terminated. See *Final Results of Five-Year Sunset Review of Suspended Antidumping Duty Investigation on Ammonium Nitrate from the Russian Federation*, 71 FR 11177 (March 6, 2006).

On March 30, 2006, pursuant to section 751(c) of the Act, the ITC determined that termination of the suspended investigation on ammonium nitrate from Russia would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. See *Ammonium Nitrate from Russia*, 71 FR 16177 (March 30, 2006) and USITC Publication 3844 (March 2006), titled *Ammonium Nitrate From Russia* (Investigation No. 731-TA-856 (Review)). Therefore, pursuant to Section 351.218(f)(4) of the Department's regulations, the Department is publishing this notice of the continuation of the suspended investigation on ammonium nitrate from Russia.

##### Scope

The products covered by the sunset review of the suspended antidumping duty investigation on ammonium nitrate from Russia include solid, fertilizer

grade ammonium nitrate products, whether prilled, granular or in other solid form, with or without additives or coating, and with a bulk density equal to or greater than 53 pounds per cubic foot. Specifically excluded from this scope is solid ammonium nitrate with a bulk density less than 53 pounds per cubic foot (commonly referred to as industrial or explosive grade ammonium nitrate). The merchandise subject to this review is classified in the Harmonized Tariff Schedule of the United States ("HTSUS") at subheading 3102.30.00.00. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise within the scope of this sunset review is dispositive.

##### Determination

As a result of the determinations by the Department and the ITC that termination of the suspended investigation would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the *Suspension Agreement*. The effective date of continuation of this suspended investigation will be the date of publication in the **Federal Register** of this Notice of Continuation. Pursuant to sections 751(c)(2) and 751(c)(6) of the Act, the Department intends to initiate the next five-year sunset review of this *Suspension Agreement* not later than March 2011.

This five-year (sunset) review and notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act.

Dated: March 30, 2006.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E6-4937 Filed 4-4-06; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Proposed Information Collection; Comment Request; Northwest Region Logbook Family of Forms

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and

respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before June 5, 2006.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Becky Renko, 206-526-6110, or at [Becky.Renko@noaa.gov](mailto:Becky.Renko@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

This collection contains certain reporting and recordkeeping requirements for vessels in the Pacific Coast Groundfish Fishery in the Exclusive Economic Zone of the states of Washington, Oregon, and California. These requirements affect processing vessels in the catcher processor, and both processing vessels and catcher boats in the mothership sector of the Pacific whiting fishery. The information collected is needed to monitor catch, effort, and production for fishery management purposes.

**II. Method of Collection**

Forms are used for most requirements. These may be submitted by computer or by facsimile machine.

**III. Data**

*OMB Number:* 0648-0271.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 50.

*Estimated Time Per Response:* 13 minutes per day for a Daily Fishing and Cumulative Production Log (DFCPL) from a catcher vessel; 26 minutes per day for a DFCPL from a catcher-processor; 13 minutes per day for a Daily Report of Fish Received and Cumulative Production Log from a mothership; 4 minutes per day for a Weekly/Daily Production Report; 20 minutes for a Product Transfer/Offloading Logbook; and 1 minute for a Start or Stop Notification Report.

*Estimated Total Annual Burden Hours:* 1,070.

*Estimated Total Annual Cost to Public:* \$9,590.

**IV. Request for Comments**

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 30, 2006.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. E6-4883 Filed 4-4-06; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[Docket No. 060324085-6085-01; I.D. 032906F]

**Science on a Sphere Installation Cooperative Agreements**

**AGENCY:** Office of Education (OEd), Office of the Undersecretary of Commerce for Oceans and Atmosphere (USEC), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice and request for proposals.

**SUMMARY:** The NOAA Office of Education (OEd) is issuing a request for applications from informal education institutions with interest in displaying NOAA's Science on a Sphere. Awards will be made as one-year cooperative agreements and will be issued in fiscal year 2006 (FY06). Funded projects will support informal education institutions in incorporating this data visualization technology and compatible environmental data products into public exhibits. The goal of this program is to build environmental literacy among the general public through increased use of NOAA or NOAA-related data and data products in informal education

institutions. See NOAA's Education Plan for more details on this goal and strategy: ([http://www.oesd.noaa.gov/NOAA\\_Ed\\_Plan.pdf](http://www.oesd.noaa.gov/NOAA_Ed_Plan.pdf)). It is anticipated that final recommendations for funding under this announcement will be made by June 30, 2006, and that projects funded under this announcement will have a start date no earlier than October 1, 2006.

**DATES:** The deadline for full applications is 5 p.m., EDT May 5, 2006. It is anticipated that final recommendations for funding under this announcement will be made by June 30, 2006, and that projects funded under this announcement will have a start date no earlier than October 1, 2006.

**ADDRESSES:** Full applications should be submitted through Grants.gov APPLY (<http://www.grants.gov>). It is strongly suggested that Grants.gov be accessed using Internet Explorer for maximum compatibility. Because registration with Grants.gov can take up to three weeks, it is strongly recommended that this registration process is completed as soon as possible. Also, even if an applicant has registered with Grants.gov previously, the applicant's password may have expired. It is recommended that submission through Grants.gov be attempted 2 days prior to the deadline to avoid electronic submission errors. See the Office of Education's frequently asked questions site [http://www.oesd.noaa.gov/sos\\_faqs.html](http://www.oesd.noaa.gov/sos_faqs.html) for more details.

If an applicant does not have Internet access, application kits must be requested from Carrie McDougall, completed, signed, and one hard copy should be sent to Carrie McDougall, DOC/NOAA Office of Education, 1401 Constitution Avenue NW., Room 6863, Washington, DC 20230. If submitting a hard copy, applicants are requested to provide a CD-ROM of the application, including scanned signed forms or forms with electronic signatures. Printed forms from Grants.gov submitted in hard copy will not be accepted. Please note: Hard copies submitted via the U.S. Postal Service can take up to 4 weeks to reach this office; applicants are recommended to send hard copies via expedited shipping methods (e.g., Airborne Express, DHL, Fed Ex, UPS). See the Office of Education's frequently asked questions site [http://www.oesd.noaa.gov/sos\\_faqs.html](http://www.oesd.noaa.gov/sos_faqs.html) for more details. This announcement will also be available at: [http://www.oesd.noaa.gov/funding\\_opps.html](http://www.oesd.noaa.gov/funding_opps.html) or by contacting the program official identified in **FOR FURTHER INFORMATION CONTACT.**