

KJEVOLJA and the F/V ZENITH included “set gear, haul gear, bait gear, off load boat gear.” RAM rejected Mr. Shipp’s application in the IAD because he did not specify the number of days that he spent harvesting fish aboard the vessels.

Mr. Shipp appealed the IAD. He included in his appeal a letter to the U.S.Coast Guard from his former employer, Jubilee Fisheries, Inc., dated January 13, 2000, which specifies the types of duties, the areas of operation, and the hours and number of days of Mr. Shipp’s employment as a Deck Seaman” aboard the F/V ZENITH between March 1995 and September 1996, and aboard the F/V KJEVOLJA between August 1990 and April 1993. The letter states that Mr. Shipp spent a total of 666 days aboard the vessels during that period, with “90 percent of the time” in the “[U]se and knowledge of the applicable fishing gear” Bob Olson, the records keeper at Jubilee Fisheries, Inc., verified the information in the letter in a telephone conversation with this Office.¹ NMFS also confirmed that the F/V ZENITH and the F/V KJEVOLJA were commercially fishing in federal waters during Mr. Shipp’s employment.²

In light of the evidence in the record, I find by a preponderance of the evidence that Mr. Shipp harvested commercial fish aboard the F/V ZENITH and the F/V KJEVOLJA for a combined total of 599.4 days. Therefore, I conclude that he is an “IFQ crew member” and that he is eligible to receive an IFQ crew member transfer eligibility certificate.

FINDING OF FACT

Mr. Shipp harvested commercial fish aboard the F/V ZENITH and the F/V KJEVOLJA for a combined total of 599.4 days.

CONCLUSION OF LAW

Mr. Shipp is an “IFQ crew member” and is therefore eligible to receive an IFQ crew member transfer eligibility certificate.

DISPOSITION AND ORDER

The IAD that is the subject of this appeal is VACATED. RAM is ORDERED to issue an IFQ crew member transfer eligibility certificate to Mr. Shipp. This Decision takes effect April 10, 2000, unless by that date the Regional Administrator orders review of the decision. Any party, including RAM, may

¹See the “Converation Record” between Mr. Olson and Mr. Steven Hinckle (Office of Administrative Appeals), March 1, 2000.

²See the one page print-out of NMFS weekly production reports for the F/V ZENITH and the F/V KJEVOLJA during the relevant period.

submit a Motion for Reconsideration, but it must be received at this Office not later than 4:30 p.m., Alaska Time, on the tenth day after the date of this Decision, March 20, 2000. A Motion for Reconsideration must be in writing, must allege one or more specific, material matters of fact or law that were overlooked or misunderstood by the Appeals Officer, and must be accompanied by a written statement or points and authorities in support of the motion.

Because the IFQ fishing season for 2000 begins March 15 of this year, and because RAM has stated that it will not request reconsideration, I recommend that the Regional Administrator expedite review of this Decision and, if there is no substantial disagreement with it, promptly affirm the Decision and give it an immediate effective date.

Randall J. Moen
Appeals Officer