


MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke  
Executive Director 

DATE: September 30, 1998

SUBJECT: Community Development Quotas

ESTIMATED TIME 1 HOUR
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**ACTION REQUIRED**

- (a) Status report on implementation of Multi-Species CDQ Program.
- (b) CDQ Implementation Committee Report.
- (c) Approve State recommendations for pollock CDQs.
- (d) Review proposed rule for halibut CDQ fisheries.

**BACKGROUND**

(a) Status of Multi-species CDQ Program

Item C-4(a) is a report by Sally Bibb, NMFS, on implementation of the Multi-Species Groundfish CDQ Program set to begin on October 1, 1998. Summaries of the applications from the six CDQ groups were sent to you in an August 25th Council Mailing. As NMFS reports, please be aware that they are seeking Council advice on a regulatory amendment to defer management of the crab CDQ fishery to the State of Alaska. Also a change is needed in the regulations to allow opilio fishing during the State's shellfish management year, rather than a calendar year basis. For opilio, this would allow fishing on the 1999 CDQ to begin in December 1998.

(b) CDQ Implementation Committee Report

The CDQ Implementation Committee has continued to meet regularly to discuss initial implementation of the Multi-Species CDQ Program. Minutes from the September 11, 1998 meeting are attached as Item C-4(b). The committee has submitted two groundfish proposals to address: (1) the starting date for the CDQ pollock trawl fishery (#38) and (2) bycatch issues in the MS CDQ fisheries (#39). These proposals are included as Appendix IV to the September 1998 minutes. The committee requested that the Council give these proposals a high priority. CAPT O'Shea chaired the committee and may want to expand on the report.

(c) Approve State Recommendations for Pollock CDQs

Applications for pollock CDQ allocations for 1999 and 2000 were reviewed by the State of Alaska this summer and the State will provide its recommendations at this meeting. NMFS will implement these allocations before January 1, 1999. The State and Council may also want to comment on their intentions for apportionment of any additional pollock that may be allocated to the CDQ program as a result of the S. 1221 legislation that would raise the pollock CDQ to 10%.

In reviewing the State's recommendations on pollock CDQs, as well as other species CDQs, the Council should be aware of its role in the process, especially since the CDQ fisheries have expanded in magnitude and are quasi-permanent. Below I review the role given us by the Act, and in our FMPs and federal regulations, and the activities the Council has been involved with in monitoring the CDQ program.

Magnuson-Stevens Act. Section 305(i) covers CDQ programs and paragraph (A) gives the Council and Secretary authority to establish the overall percentages of the TAC for groundfish and crab to be allocated to the CDQ programs. Section 305(i)(B)(iii) charges the Governor of Alaska to develop criteria for communities to participate in the program, subject to the Secretary's approval. The Act mentions the Council only in terms of establishing the overall percentage to be set aside for the CDQ programs for groundfish and crab. Requirements for State consultation with the Council are embodied in the FMP language and federal regulations as described below.

BSAI Fishery Management Plan Language. Original BSAI FMP Language for Pollock CDQs: Section 14.4.11.6, Western Alaska Community Quota:

"For a Western Alaska Community Quota, 50% of the BSAI pollock reserve as prescribed in the FMP will be held annually until the end of the third quarter. This held reserve shall be released to communities on the Bering Sea Coast which submit a plan, approved by the Governor of Alaska, for the wise and appropriate use of the released reserve. Any of this held pollock reserve not released by the end of the third quarter shall be released in accordance with the inshore and offshore formula established in section 14.4.11.4.

The Western Alaska Community Quota program will be structured such that the Governor of Alaska is authorized to recommend to the Secretary that a Bering Sea Rim community be designated as an eligible fishing community to receive a portion of the reserve. To be eligible a community must meet the specified criteria and have developed a fisheries development plan approved by the Governor of Alaska. The Governor shall develop such recommendations in consultation with the Council (emphasis added). The Governor shall forward any such recommendations to the Secretary, following consultation with the Council. Upon receipt of such recommendations, the Secretary may designate a community as an eligible fishing community and, under the plan, may release appropriate portions of the reserve."

The above plan language, though in a different section of the FMP, also pertains to sablefish CDQs. New language covering the multispecies program refers to section 14.4.11.6 as far as consultation with the Council by the State of Alaska. The plan language pretty much follows the actual text of the preferred alternative for inshore-offshore 1 in 1991.

Federal Regulations. Federal regulations pertaining to CDQs have been consolidated into section 679.30. The Council's role is described in Section 679.30(c), Council consultation.

"Before the State sends its recommendations for approval of proposed CDPs to NMFS, the State must consult with the Council and make available, upon request, the proposed CDPs that are not part of the State's recommendations."

Monitoring CDP Performance. Section 679.30(g) requires the State to submit to NMFS by October 31 each year, an annual progress report for the previous calendar year for each CDP. The report must be organized on a project-by-project basis and describe how each milestone has been met. An annual budget report is due to NMFS by December 15 preceding the year for which the annual budget applies. It must be approved by NMFS.

Council Review of Percentage Allocations. After the initial approval of the CDQ programs for pollock, sablefish and halibut, the Council in April 1992 reviewed the criteria for the program drafted by an interagency team from the State of Alaska. The State was to solicit proposals from CDQ groups in early November 1992, on the day the final rule was to be published. The Council held a special teleconference on November 25, 1992 to review and approve the Governor's recommended pollock allocations to the various CDPs for 1992-93.

In September 1993, the Council reviewed and approved the Governor's recommended pollock CDQ apportionments for 1994-95. In September 1995 the Council reviewed the Governor's recommendations for pollock CDQs for 1996-1998. In September 1997, the Council approved the multispecies CDQ program percentages for each CDP.

In September 1993 and September 1995, the Council notebooks contained extensive reports from each of the CDQ groups. In September 1997, the Council only had a letter from the State, and a list of the recommended percentages by species and CDQ group. We did not receive extensive background materials on the CDQ plans for the multispecies program, however, as I noted above, plan summaries were sent out to the Council on August 25, 1998.

Council Review of CDP Progress. As far as tracking the progress of the CDQs, I receive quarterly reports for all six groups. In the early days of the pollock program, I sent them out to all Council members in a mailing. Then, because of their volume (the most recent report is 150 pages), I started just putting a notice in the Council mailing that we had the quarterly reports and would send them on request, of which few if any have been received.

Summary. The Council obviously has a consultative role that is well established in the FMP and federal regulations for the CDQ program. We have approved the percentages of each species for each CDP, but have not gone into any detailed review or critique of the individual programs, depending instead on the State of Alaska and NMFS to perform that review. If we want to become more involved in reviewing the CDPs and their performance, December or February each year may be a good time, after the State submits its annual performance report to NMFS.

(d) Review Proposed Rule for Halibut CDO Fisheries

Sally Bibb will present a summary of the draft proposed rule for management of the halibut CDQ fisheries and other miscellaneous amendments to MS CDQ regulations (Item C-4(c)). Comments provided by the Council at this meeting will be addressed in preparing the proposed rule for publication in the *Federal Register*. The proposed regulatory amendments fall into three categories:

1. Those addressing management of vessels halibut CDQ fishing or harvesting halibut CDQ in groundfish CDQ fisheries and the processors or registered buyers taking deliveries from these vessels;
2. Removal or revision of sections addressing management of the fixed gear sablefish or pollock CDQ fisheries in 1998;
3. Other miscellaneous technical or editorial revisions to the MS groundfish CDQ regulations that have been identified since publication of the final rule on June 4, 1998.

**Status of Implementation of the Multispecies Groundfish Community Development Quota Fisheries**

NMFS approved six Community Development Plans (CDPs) and the State of Alaska's percentage allocation recommendations on September 16, 1998.

Fishing for multispecies (MS) groundfish CDQ is authorized to start on October 1, 1998.

Attached are:

- ▶ Percentage allocations and 1998 groundfish and prohibited species quota amounts,
- ▶ List of vessels and processors approved with the CDPs,
- ▶ Example of a MS CDQ/PSQ Account Status Report for NSEDC showing initial allocations, catch reported, transfers, and CDQ/PSQ amounts remaining.

The following table summarizes the number of approved vessels and processors by type and the number of vessels and processors that have had observer sampling stations (OSS) or scales to weigh total catch inspected and approved by NMFS (as of 9/28/98).

	# Approved in CDPs	# OSS <sup>1/</sup> Approved	# Scales Approved <sup>2/</sup>
Catcher/processors, trawl	13	3	4
Catcher/processors, longline	12	7	na
Catcher/processors, pot	0	0	na
Catcher vessels, trawl, ≥ 60' LOA	12	na	na
Catcher vessels, longline, ≥ 60' LOA	2	0	na
Catcher vessels, longline, < 60' LOA	25	na	na
Shoreside processors	8	na	na

<sup>1/</sup> Observer sampling station.

<sup>2/</sup> Scales to weigh total catch.

# MS CDQ/PSQ Annual Allocation Matrix 1998

National Marine Fisheries Service  
Alaska Regional Office  
Community Development Quota Program



## CDQ Group Allocations/Amounts

CDQ Reserve Category	Amount	APICDA		BBEDC		CBSFA		CVRF		NSEDC		YDFDA		Totals	
		%	Amt	%	Amt	%	Amt	%	Amt	%	Amt	%	Amt	%	Amount
BS Sablefish	49.000	16	7.840	20	9.800	10	4.900	17	8.330	18	8.820	19	9.310	100	49.000
AI Sablefish	26.000	16	4.160	20	5.200	10	2.600	17	4.420	18	4.680	19	4.940	100	26.000
Pacific Cod	15,750.000	16	2,520.000	20	3,150.000	10	1,575.000	17	2,677.500	18	2,835.000	19	2,992.500	100	15,750.000
WAI Atka Mackerel	2,025.000	20	405.000	17	344.250	10	202.500	17	344.250	16	324.000	20	405.000	100	2,025.000
CAI Atka Mackerel	1,680.000	20	336.000	17	285.600	10	168.000	17	285.600	16	268.800	20	336.000	100	1,680.000
EAI/BS Atka Mackerel	1,118.000	20	223.600	17	190.060	10	111.800	17	190.060	16	178.880	20	223.600	100	1,118.000
Yellowfin Sole	16,500.000	29	4,785.000	25	4,125.000	8	1,320.000	5	825.000	5	825.000	28	4,620.000	100	16,500.000
Rock Sole	7,500.000	10	750.000	20	1,500.000	10	750.000	20	1,500.000	20	1,500.000	20	1,500.000	100	7,500.000
BS Greenland Turbot	754.000	16	120.640	25	188.500	14	105.560	1	7.540	20	150.800	24	180.960	100	754.000
AI Greenland Turbot	371.000	18	66.780	18	66.780	5	18.550	14	51.940	26	96.460	19	70.490	100	371.000
Arrowtooth Flounder	1,200.000	19	193.800	21	214.200	9	91.800	15	153.000	15	153.000	21	214.200	100	1,020.000
Flathead Sole	7,500.000	20	1,500.000	20	1,500.000	10	750.000	15	1,125.000	15	1,125.000	20	1,500.000	100	7,500.000
Other Flatfish	6,708.000	20	1,341.600	20	1,341.600	10	670.800	15	1,006.200	15	1,006.200	20	1,341.600	100	6,708.000
BS Pacific Ocean Perch	105.000	20	21.000	17	17.850	10	10.500	17	17.850	16	16.800	20	21.000	100	105.000
WAI Pacific Ocean Perch	419.000	20	83.800	17	71.230	10	41.900	17	71.230	16	67.040	20	83.800	100	419.000
CAI Pacific Ocean Perch	259.000	20	51.800	17	44.030	10	25.900	17	44.030	16	41.440	20	51.800	100	259.000
EAI Pacific Ocean Perch	230.000	20	46.000	17	39.100	10	23.000	17	39.100	16	36.800	20	46.000	100	230.000
BS Other Red Rockfish	20.000	20	4.000	17	3.400	10	2.000	17	3.400	16	3.200	20	4.000	100	20.000
AI Sharpchin/Northern Rockfish	317.000	20	63.400	17	53.890	10	31.700	17	53.890	16	50.720	20	63.400	100	317.000
AI Shortraker/Rougheye Rockfish	72.000	17	12.240	20	14.400	9	6.480	17	12.240	18	12.960	19	13.680	100	72.000
BS Other Rockfish	28.000	16	4.480	20	5.600	8	2.240	18	5.040	19	5.320	19	5.320	100	28.000
AI Other Rockfish	51.000	16	8.160	20	10.200	8	4.080	18	9.180	19	9.690	19	9.690	100	51.000
Squid	148.000	19	23.902	18	22.644	10	12.580	17	21.386	16	20.128	20	25.160	100	125.800
Other Species	1,935.000	19	312.502	22	361.845	9	148.027	14	230.265	14	230.265	22	361.845	100	1,644.749

PSQ Reserve Category	Amount	APICDA		BBEDC		CBSFA		CVRF		NSEDC		YDFDA		Totals	
		%	Amt	%	Amt	%	Amt	%	Amt	%	Amt	%	Amt	%	Amount
Zone 1 Red King Crab	7,500.000	19	1,425.000	21	1,575.000	9	675.000	15	1,125.000	15	1,125.000	21	1,575.000	100	7,500.000
Zone 1 Bairdi Tanner Crab	56,250.000	24	13,500.000	25	14,063.000	7	3,938.000	9	5,063.000	9	5,063.000	26	14,625.000	100	56,252.000
Zone 2 Bairdi Tanner Crab	157,500.000	24	37,800.000	25	39,375.000	7	11,025.000	9	14,175.000	9	14,175.000	26	40,950.000	100	157,500.000
Opilio Tanner Crab	349,050.000	26	90,753.000	23	80,282.000	9	31,415.000	8	27,924.000	8	27,924.000	26	90,753.000	100	349,051.000
Pacific Halibut	351.000	20	70.200	22	77.220	8	28.080	13	45.630	14	49.140	23	80.730	100	351.000
Chinook Salmon	3,600.000	21	756.000	21	756.000	9	324.000	13	468.000	13	468.000	23	828.000	100	3,600.000
Non-Chinook Salmon	3,150.000	23	725.000	23	725.000	8	252.000	11	347.000	11	347.000	24	756.000	100	3,152.000

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**MS CDQ Eligible Vessels**  
ALL Approved Vessels as of 09/28/98

National Marine Fisheries Service  
Alaska Regional Office  
Community Development Quota Program



Vessel Name	Permit #	ADFG #	Twl	HAL	Pot	Jig	Oth	LOA	Group	Approved
Alaskan Leader	AK994598A	62437		X				150	BBEDC	09/16/98
Aldebaran	AK990901B	48215	X					132	APICDA	09/16/98
American No. 1	AK991879C	36202	X					160	BBEDC	09/16/98
American Triumph	AK994055B	60660	X					285	CBSFA	09/16/98
Arcturus	AK990533B	45978	X					132	APICDA	09/16/98
Baranof	AK991248A	34855		X				180	NSEDC	09/16/98
Columbia	AK991228B	39056	X					123	APICDA	09/16/98
Constellation	AK994092A	61081	X					150	YDFDA	09/16/98
Courageous	AK991276A	35833		X				180	NSEDC	09/16/98
Dominator	AK990411B	08668	X					124	APICDA	09/16/98
Dona Liliana	AK992770A	55199	X					152	APICDA	09/16/98
Dona Martita	AK992047A	51672	X					152	APICDA	09/16/98
Dona Paulita	AK992769A	55153	X					152	APICDA	09/16/98
Enterprise	AK995822B	69038	X					120	YDFDA	09/16/98
Flying Cloud	AK991318B	32473	X					124	APICDA	09/16/98
Galaxy	AK995118A	55151		X				174	APICDA	09/24/98
Golden Dawn	AK991292B	35687	X					149	APICDA	09/16/98
Legacy	AK993367A	48183	X					117	YDFDA	09/16/98
Lisa Marie	AK996172B	70221		X	X			79	YDFDA	09/16/98
Majesty	AK993996B	60650	X					106	APICDA	09/16/98
Norton Sound	AK995294A	59154		X				136	NSEDC	09/16/98
Ocean Harvester	AK990649B	31204		X				72	CVRF	09/16/98
Ocean Peace	AK992134A	55767	X					219	NSEDC	09/16/98
Pacific Viking	AK990422B	00047	X					127	APICDA	09/16/98
Pathfinder	AK994306A	61538		X				180	YDFDA	09/16/98
Seafisher	AK993835A	56964	X					230	APICDA	09/16/98
Starbound	AK993414B	57621	X					240	APICDA	09/16/98
U.S. Intrepid	AK992800G	54392	X					185	BBEDC	09/16/98
U.S. Liberator	AK990372C	08522		X				162	YDFDA	09/16/98
Unimak Enterprise	AK993369B	57211	X					185	CVRF	09/16/98
Vaerdal	AK992123A	01119	X					124	CBSFA	09/16/98
Viking Explorer	AK991116B	36045	X					124	APICDA	09/16/98

Note: Gear types are those specified in Community Development Plan for groundfish CDQ fishing.

For additional information on this report, contact:

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# MS CDQ Eligible Processors

ALL Approved Processors as of 09/28/98

National Marine Fisheries Service  
Alaska Regional Office  
Community Development Quota Program



Processor/Location	Permit Number	CDQ Group	Date Approved
Atka Pride Seafoods, Inc	PA995303B	APICDA	09/16/98
Favco, Inc.	PA995383B	APICDA	09/16/98
Peter Pan Seafoods, Inc. - King Cove	PA995358A	YDFDA	09/16/98
Trident Seafoods Corp. - Akutan Plant	PA995306A	APICDA	09/16/98
Trident Seafoods Corp. - Sand Point	PA995305A	APICDA	09/16/98
Trident Seafoods Corp. - St. Paul Plant	PA995307A	APICDA	09/16/98
Westward Seafoods, Inc.	PA995323A	CVRF	09/16/98
Westward Seafoods, Inc.	PA995323A	YDFDA	09/16/98

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# MS CDQ/PSQ Account Status Report 1998

Reflects CDQ Catch Reports received 01/01/98 through 09/28/98

National Marine Fisheries Service  
Alaska Regional Office  
Community Development Quota Program



CDQ Group	NSEDC	Initial Allocation		CDQ/PSQ Catch Reported	CDQ/PSQ Amt Transferred In	CDQ/PSQ Amt Transferred Out	CDQ/PSQ Amt Remaining
		Percent	Amt (after NSR)				
<b>CDQ Reserve Category</b>							
BS	Sablefish	18	8.820	0.000	0.000	0.000	8.820
AI	Sablefish	18	4.680	0.000	0.000	0.000	4.680
	Pacific Cod	18	2,835.000	0.000	0.000	0.000	2,835.000
WAI	Atka Mackerel	16	324.000	0.000	0.000	0.000	324.000
CAI	Atka Mackerel	16	268.800	0.000	0.000	0.000	268.800
EAI/BS	Atka Mackerel	16	178.880	0.000	0.000	0.000	178.880
	Yellowfin Sole	5	825.000	0.000	0.000	0.000	825.000
	Rock Sole	20	1,500.000	0.000	0.000	0.000	1,500.000
BS	Greenland Turbot	20	150.800	0.000	0.000	0.000	150.800
AI	Greenland Turbot	26	96.460	0.000	0.000	0.000	96.460
	Arrowtooth Flounder	15	153.000	0.000	0.000	0.000	153.000
	Flathead Sole	15	1,125.000	0.000	0.000	0.000	1,125.000
	Other Flatfish	15	1,006.200	0.000	0.000	0.000	1,006.200
BS	Pacific Ocean Perch	16	16.800	0.000	0.000	0.000	16.800
WAI	Pacific Ocean Perch	16	67.040	0.000	0.000	0.000	67.040
CAI	Pacific Ocean Perch	16	41.440	0.000	0.000	0.000	41.440
EAI	Pacific Ocean Perch	16	36.800	0.000	0.000	0.000	36.800
BS	Other Red Rockfish	16	3.200	0.000	0.000	0.000	3.200
AI	Sharpchin/Northern Rockfish	16	50.720	0.000	0.000	0.000	50.720
AI	Shorthead/Rougheye Rockfish	18	12.960	0.000	0.000	0.000	12.960
BS	Other Rockfish	19	5.320	0.000	0.000	0.000	5.320
AI	Other Rockfish	19	9.690	0.000	0.000	0.000	9.690
	Squid	16	20.128	0.000	0.000	0.000	20.128
	Other Species	14	230.265	0.000	0.000	0.000	230.265
<b>PSQ Reserve Category</b>							
	Zone 1 Red King Crab	15	1,125.000	0.000	0.000	0.000	1,125.000
	Zone 1 Bairdi Tanner Crab	9	5,063.000	0.000	0.000	0.000	5,063.000
	Zone 2 Bairdi Tanner Crab	9	14,175.000	0.000	0.000	0.000	14,175.000
	Opilio Tanner Crab	8	27,924.000	0.000	0.000	0.000	27,924.000
	Pacific Halibut	14	49.140	0.000	0.000	0.000	49.140
	Chinook Salmon	13	468.000	0.000	0.000	0.000	468.000
	Non-Chinook Salmon	11	347.000	0.000	0.000	0.000	347.000
<b>Non-Specific Reserve</b>			71.187			0.000	71.187

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Training of CDQ observers

CDQ observer training is occurring at the Anchorage training center.

Expected number of observers that would be needed for MS CDQ fishing in 1998 is between 20 and 50.

- ▶ Minimum of 20 if the 10 c/ps that have installed some equipment for MS CDQ fishing fish MS CDQ at the same time.
- ▶ Maximum of 50 if all 25 c/ps approved fish MS CDQ at the same time.

Training Session	# CDQ Observers Certified
August 21, 1998	12
September 20, 1998	canceled, only one person signed up
October 19, 1998	
October 26, 1998	

## Proposed Regulatory Amendments in 1999

### 1. Management of the halibut CDQ fisheries

Will be discussed under agenda C-4(d).

### 2. Revise specification of crab CDQ reserves in § 679.31.

NMFS's intent with implementation of the MS CDQ Program was to authorize the crab CDQ reserves in NMFS regulations, but to delegate management of the crab CDQ fisheries to the State of Alaska in the same manner that management of all of the Bering Sea crab fisheries is delegated to the State.

The State of Alaska intended to manage the crab CDQ fisheries on the basis of the shellfish management year, which is September 1 through August 31. They had planned to allow fishing on the 1999 CDQ reserve for *C. opilio* crab to start in December, 1998.

- ▶ Allowing fishing on the 1999 crab CDQ reserve to start in December, 1998 appears to be consistent with the FMP and the Magnuson-Stevens Act.
- ▶ However, the wording of NMFS regulations stating that the percentages are apportioned to a crab CDQ reserve for specific calendar years currently prohibits fishing for the 1999 crab CDQ reserves in 1998 (see attachment 1).

NMFS believes that a regulatory amendment to clarify its intent to allow the State of Alaska to manage the crab CDQ fisheries is warranted. However, NMFS requests Council input prior to preparation of this proposed rule.

Attachment 1: Current Regulations for CDQ Reserves.

§ 679.31 CDQ reserves. Portions of the CDQ and PSQ reserves for each subarea or district may be allocated for the exclusive use of CDQ applicants in accordance with CDPs approved by the Governor in consultation with the Council and approved by NMFS. NMFS will allocate no more than 33 percent of the total CDQ for all subareas and districts combined to any one applicant with an approved CDP application.

(a) Pollock CDQ reserve (applicable through December 31, 1998). In the proposed and final harvest specifications required by § 679.20(c), one-half of the pollock TAC placed in the reserve for each subarea or district of the BSAI will be apportioned to a CDQ reserve for each subarea or district.

(b) Halibut CDQ reserve. (1) NMFS will annually withhold from IFQ allocation the proportions of the halibut catch limit that are specified in paragraph (b) of this section for use as a CDQ reserve.

(2) Portions of the CDQ for each specified IPHC regulatory area may be allocated for the exclusive use of an eligible Western Alaska community or group of communities in accordance with a CDP approved by the Governor in consultation with the Council and approved by NMFS.

(3) The proportions of the halibut catch limit annually withheld for the halibut CDQ program, exclusive of issued QS, and the eligible communities for which they shall be made available are as follows for each IPHC regulatory area:

(i) Area 4B. In IPHC regulatory area 4B, 20 percent of the annual halibut quota shall be made available to eligible communities physically located in, or proximate to, this regulatory area.

(ii) Area 4C. In IPHC regulatory area 4C, 50 percent of the halibut quota shall be made available to eligible communities physically located in IPHC regulatory area 4C.

(iii) Area 4D. In IPHC regulatory area 4D, 30 percent of the annual halibut quota shall be made available to eligible communities located in, or proximate to, IPHC regulatory areas 4D and 4E.

(iv) Area 4E. In IPHC regulatory area 4E, 100 percent of the halibut quota shall be made available to eligible communities located in, or proximate to, IPHC regulatory area 4E. A fishing trip limit of 6,000 lb (2.7 mt) applies to halibut CDQ harvesting in IPHC regulatory area 4E.

(4) For the purposes of this section, "proximate to" an IPHC regulatory area means within 10 nm from the point where the boundary of the IPHC regulatory area intersects land.

(c) Groundfish CDQ reserves. (See § 679.20(b)(1)(iii))

(d) Crab CDQ reserves. King and Tanner crab species in the Bering Sea and Aleutian Islands Area that have a guideline harvest level specified by the State of Alaska that is available for commercial harvest are apportioned to a crab CDQ reserve as follows:

(1) For calendar year 2000, and thereafter, 7.5 percent;

(2) For calendar year 1999 (applicable through December 31, 1999), 5 percent; and

(3) For calendar year 1998 (applicable through December 31, 1998), 3.5

percent.

(e) PSQ reserve. (See § 679.21(e)(1)(i) and (e)(2)(ii)).

(f) Reallocation of CDQ or PSQ reserves (Applicable through December 31, 1998). If the Regional Administrator determines that any amount of a CDQ or PSQ reserve will not be used during the remainder of the 1998 fishing year, the Regional Administrator may reallocate any unused amount of the CDQ reserve back to the non-specified reserve established by § 679.20(b)(1)(ii) and may reallocate any unused amount of a PSQ reserve back to non-CDQ fisheries in proportion to those fisheries' 1998 apportionment of PSC limits established by § 679.21.

(g) Non-specific CDQ reserve. Annually, NMFS will apportion 15 percent of each squid, arrowtooth flounder, and "other species" CDQ for each CDQ group to a non-specific CDQ reserve. A CDQ group's non-specific CDQ reserve must be for the exclusive use of that CDQ group. A release from the non-specific CDQ reserve to the CDQ group's squid, arrowtooth flounder, or "other species" CDQ is a technical amendment as described in § 679.30(g)(5). The technical amendment must be approved before harvests relying on CDQ transferred from the non-specific CDQ reserve may be conducted.

**CDQ Implementation Committee  
Minutes  
September 11, 1998 Meeting**

The CDQ Implementation Committee met on September 11, 1998 in Juneau, Alaska with CAPT Vince O'Shea (chairman), Julie Anderson, Sally Bibb, Larry Cotter, Glenn Haight, John McNair, and Paul Peyton in attendance. Agency staff in attendance were Jane DiCosimo, Lauren Smoker, Tracy Buck, Alan Kinsolving, Gregg Williams, and Heather Gilroy. Members of the public attending were Dick Tremaine, Norman Cohen, John Zuck, Eric Olson, and Greg Fisk. The meeting convened at 9:30 a.m.

I. Sally Bibb (NMFS) provided a brief update on the status of the Community Development Plans (CDPs) and the multi-species CDQ program. The first training of 12 CDQ observers occurred in August. A second training will occur on September 21 and additional training will be scheduled as requested. Five factory trawlers received scale inspections. Twelve longliners and 13 catcher processors are expected to participate as CDQ partners.

NMFS is reviewing two proposals submitted by CDQ groups for alternative catch accounting methods under their CDPs. The first is a proposal to use vessel-specific halibut mortality rates rather than the standard halibut mortality rate assumptions. The second is a proposal to provide one CDQ observer rather than two on a longline catcher/processor. NMFS is preparing responses to the proposals that likely will tell the CDQ groups that (1) NMFS and IPHC will meet to review the proposals for individual vessel halibut discard mortality rates for CDQ fisheries, but open access rates will be used for all vessels until an acceptable protocol for the use of individual rates can be developed(see II. below); (2) NMFS will not approve this particular request for one observer because the fishing schedule does not allow for the random sampling of all CDQ sets within the time and workload limitations for one observer.

The Committee discussed what will happen if too few CDQ observers are available to meet demands for them. Sally Bibb stated that the MS CDQ regulations currently do not allow exemption or reduction in observer coverage requirements solely because of observer availability. Changes in fishing schedules may permit NMFS to allow only one observer. Additional clarification will occur during the CDQ observer workshop in Seattle on September 17.

II. Gregg Williams (IPHC) briefed the committee on the status of halibut discard mortality rates (DMRs) to be used in the CDQ fisheries. For 1998 and 1999, the CDQ groups will be operating using the open access DMRs. Proposals to use the halibut discard condition data collected by CDQ observers on a real-time basis presents additional procedural and technical problems. Resolution will require some work by NMFS Regional Office, the Observer Program, and IPHC. NMFS and IPHC are planning to meet in October after the Council meeting to examine these issues. If the problems can be solved, Sally Bibb indicated that mid-year changes should be possible to implement.

III. Lauren Smoker presented the NOAA GC response (Appendix I) to the committee's letter to NOAA GC dated June 22, 1998 (Appendix II). Current MS CDQ regulations prohibit CDQ groups from exceeding any of their groundfish CDQs and their halibut PSQ, do not contain underage/overage provisions, and do not allow CDQ groups to discard the catch of species for which a quota has been reached in order to continue to fish for other CDQ species with remaining quota (i.e. no PSC status in the CDQ fisheries). These requirements are expected to result in the underharvest of some CDQ allocations as the quotas for bycatch or prohibited species are reached before the quotas for target species. The Committee requested the NOAA GC opinion in order to identify legal options that could be proposed to relax the strict quota accountability requirements for non-PSC species and to allow the CDQ groups to more fully harvest their quotas for the primary target species, thereby increasing the economic value of the CDQ fisheries.

The CDQ allocations may be underharvested with accompanying economic losses because of potential fishery closures due to reaching bycatch limits for squid and the 'other species' complex.

The committee noted that the CDQ allocations of the TAC are managed differently than the open access portion of the TAC. CDQ groups are prohibited from exceeding any of their CDQs, while participants in the open access fisheries generally are allowed to continue to catch species for which a TAC has been reached as long as they do not retain any of these species ("PSC status"). The FMP allows the Regional Director to determine when to close fisheries due to bycatch concerns (e.g., if there is a danger of overfishing).

The committee recommends that the Council recommend that the following alternatives be analyzed and that the Council place a high priority on this analysis. (See Appendix II for two Committee groundfish proposals.)

Motion: Initiate an analysis of the following alternatives:

1. Establish an overage/underage program (no more than 10% or 50 mt, whichever is greater).
2. Establish a framework to move species into and out of the non-specific reserve and/or increase the percentage contributing to the reserve. And to clarify that species which may be added are those for which there is a sufficient buffer between the TAC and the OFL.
3. Modify the squid overfishing definition.
4. Develop a framework criteria for removing and adding species to the CDQ list.
5. Establish a process whereby CDQ groups may pool their quotas for specific species and fish them in common.

For the 1999 fishery, there are two serious issues related to potential fishery closures: (1) squid in the pollock trawl fisheries and (2) 'other species' for cod longline fishery. The committee will keep the Council apprised of progress with keeping under squid CDQs. The committee may come back with a recommendation that the Council pursue an emergency rule to allow the pollock and cod CDQ fisheries to continue if it appears that the CDQs for squid and other species will be reached before the CDQs for pollock or cod. See Appendix III for a compilation of squid bycatch by CDQ group.

IV. Sally briefed the committee on the draft proposed rule she distributed for management of the halibut CDQ fishery. The committee agreed that relief is requested on the following two issues: 1) observer requirements for delivery of CDQ groundfish to shoreside processors should be based on a minimum poundage; and 2) trip limits in Area 4E.

V. The next meeting will be scheduled after the October 1998 Council meeting. The committee will send a request to Steve Pennoyer for NMFS to provide a report from NMFS on the budget for CDQ management.

VI. The committee has submitted two groundfish proposals to address: 1) the starting date for the CDQ pollock trawl fishery and 2) bycatch issues in the MS CDQ fisheries (Appendix IV).

September 10, 1998

MEMORANDUM FOR: Captain Vince O'Shea, Chairman, CDQ Implementation Committee, and Committee members

THROUGH: Lisa L. Lindeman  
Regional Attorney

FROM: Lauren M. Smoker  
Staff Attorney

SUBJECT: Request for Legal Opinion from the CDQ Implementation Committee

By letter dated June 22, 1998, you requested a legal opinion on six questions concerning the Multi-species Community Development Quota Program for Western Alaska. The following responds to your questions. Some questions have been combined due to their similar nature. Additionally, the order of the questions has been altered so that answers build upon one another. Also, this interpretation applies only to the western Alaska CDQ program and should not be used to interpret provisions at 16 U.S.C. 1855(i)(2) for the western Pacific community development program.

Question 1: Must every species with a TAC have a CDQ?

The Magnuson-Stevens Act, at section 305(i)(1)(A), states the following:

The North Pacific Council and the Secretary shall establish a western Alaska community development quota program under which a percentage of the total allowable catch of any Bering Sea fishery is allocated to the program.

Based on the following review of legislative history, the provisions of the Magnuson-Stevens Act, and previous NOAA GC interpretations, we interpret this provision to mean that an opportunity to harvest each Federally-managed Bering Sea species or species group must be made available to eligible western Alaska communities through specific percentage allocations to a single, stand alone western Alaska CDQ program unless such allocation would undermine the ability of the CDQ program to accomplish its economic, social, developmental or other goals and objectives or such allocation would be inconsistent with other provisions of the Magnuson-Stevens Act or other applicable law. This interpretation stems from two major premises. First, there is considerable legislative history that supports the interpretation of the word "any" in section 305(i)(1)(A) to mean "each." Section 305(i)(1)(A) contains language that is substantively unchanged from the way it was originally introduced in H.R. 39 in 1995. When H.R. 39 was reported to the House of Representatives in 1995, the House Resources Committee stated that:

The subsection [now section 305(i)(1)(A)] also requires the North Pacific Fishery Management Council to allocate the opportunity to harvest a percentage of the total allowable catch of each Bering Sea fishery to communities, or groups of communities, eligible to participate in the program.

(Emphasis added)

H.R. Rep. No. 171, 104<sup>th</sup> Cong., 1<sup>st</sup> Sess. (1995). The Senate Committee on Commerce, Science, and Transportation reported Senate Bill 39 that added some provisions to the House version of the western Alaska CDQ program, but did not substantively change the House language for section 305(i)(1)(A).<sup>1</sup> The language contained in S. 39 is the identical language that now appears in section 305(i)(1)(A). The report that accompanied S. 39 also states that:

New subsection (i) of section 305 would require the North Pacific Council and the Secretary to establish a western Alaska community development program under which a percentage of the total allowable catch of each Bering Sea fishery is allocated to the program. (Emphasis added)

S. Rep. No. 276, 104<sup>th</sup> Cong., 2d Sess. 28 (1996), reprinted in 1996 U.S.C.C.A.N. 4073, 4101.

Second, while it is appropriate to conclude that “any” means “each,” it is evident from the legislative history that Congress did not intend to thwart the ability of the Council and the Secretary to adequately implement the CDQ program.<sup>2</sup> With the CDQ amendments, Congress intended that the western Alaska CDQ program be efficient,<sup>3</sup> that the Council and the Secretary be provided with the statutory tools necessary to improve implementation of the CDQ program,<sup>4</sup> and that the efforts of the Council and the Secretary to establish such a CDQ program be formally recognized and endorsed by Congress.<sup>5</sup> Furthermore, while Congress expressly recognized that the CDQ program should be expanded to provide CDQ groups with the opportunity to harvest each Bering Sea fishery, Congress also recognized that it was not the appropriate body to determine percentages to allocate to the CDQ program. Congress left that responsibility to the Council and the Secretary, to be implemented in the most efficient manner possible<sup>6</sup> and in a manner that facilitates the

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<sup>1</sup>Language in Senate S. 39 is identical to that passed in section 305(i)(1)(A).

<sup>2</sup>See H.R. Rep. 171 104<sup>th</sup> Cong., 1<sup>st</sup> Sess. (1995) (Representative Young stated “The Committee expects that, for each Bering Sea fishery, the NPFMC, with the final approval of the Secretary, will allocate to the communities participating in the program a percentage that is adequate to ensure their significant and sustainable economic participation in the fishery.” (Emphasis added)).

<sup>3</sup>Senate Report 276, page 28, states that “Bering Sea CDQ programs already recommended or submitted by the North Pacific Council would be combined into a single, more efficient western Alaska CDQ program.”

<sup>4</sup>Representative Young stated on the day the Sustainable Fisheries Act was passed by the House that, “enactment of [305(i)(1)] will provide the North Pacific Fishery Management Council and the Secretary of Commerce the statutory tools required to improve the efficiency of their implementation of the western Alaska community development quota program.”

<sup>5</sup>In addition to improving efficiency, Representative Young also stated that the enactment of what is now section 305(i)(1) “will codify Congress [sic] strong support for the Council and the Secretary’s innovative effort to provide fishermen and other residents of Native villages on the coast of the Bering Sea a fair and equitable opportunity to participate in Bering Sea fisheries that prior to the creation of the western Alaska community development quota program was long overdue.” Id.

<sup>6</sup>Representative Young stated: [W]hen the western Alaska [CDQ] program was considered by the Resources Committee, I and other members of the committee gave serious consideration to including a provision which would have mandated the North Pacific Fishery Management Council and the Secretary to annually allocate specific percentages of



achievement of the program's goals and objectives.

How the Council and the Secretary determine the specific percentages to be allocated to the CDQ program and whether such an allocation would undermine the CDQ program's stated goals and objectives is a policy decision for the Council and the Secretary. It could be that specific management measures developed as a result of this policy decision will have legal implications, but at this time no further legal interpretation is necessary.

This interpretation is also consistent with past legal advice. As you note in your letter, the Guide to the Sustainable Fisheries Act does not interpret the word "any" to mean that "every" fishery in the Bering Sea be included in the umbrella CDQ program, but that every fishery for which a percentage of TAC is allocated to a CDQ program must come under the umbrella.<sup>7</sup> Additionally, the Council received advice from GCAK at its September 1997 meeting that it must implement a pollock CDQ program. GCAK advice to the Council was also consistent with this interpretation because such an allocation is consistent with section 305(i)(1)(A) and legislative intent and because it facilitates the achievement of the goals and objectives of the CDQ program.<sup>8</sup>

**Question 6:** Could the regulations mimic the open access process by providing the Council with "frameworked" authority in the annual specification process to list species which become PSC when a CDQ is reached, rather than shutting down a fishery?

This approach would provide the Council with the authority to annually identify CDQ species or species groups that CDQ groups may continue to catch but not retain once the specific percentage allocated to the CDQ group is reached.

The Magnuson-Stevens Act includes a CDQ moratorium until October 1, 2001. Under the moratorium, the Council and the Secretary are prohibited from (1) adding species into the CDQ program that had not been approved within a CDQ program amendment prior to October 1, 1995,<sup>9</sup> and (2) increasing any allocation

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the total allowable catches and guideline harvest levels of each Bering Sea fishery to the western Alaska [CDQ] program, so that the percentages allocated are large enough to enable participating communities and organizations to accomplish the economic, social, developmental, and other objectives that implementation of the program is intended to achieve. However, we did not do so. Instead, H.R. 39 assigned the Council and the Secretary the important task of deciding the percentage of the total allowable catch and guideline harvest level of each Bering Sea fishery that should be allocated to the western Alaska [CDQ] program."

<sup>7</sup>February 28, 1997, Memorandum for Distribution from Margaret Frailey Hayes, Assistant General Counsel for Fisheries, NOAA, at page 49.

<sup>8</sup>This statement should not be construed as a determination that Amendment 45, currently under Secretarial review, is or has been determined to be consistent with the Magnuson-Stevens Act, the national standards or other applicable law. It merely restates the statutory requirement that an allocation of BSAI pollock must be made to the CDQ program; the actual FMP amendment (Amendment 45) and its implementing regulations are still under Secretarial review.

<sup>9</sup>"Prior to October 1, 2001, the North Pacific Council may not submit to the Secretary any fishery management plan, plan amendment or regulation that allocates to the western Alaska community development quota program a percentage of the total allowable catch of any Bering Sea fishery for which, prior to October 1, 1995, the Council had not approved a percentage of the total allowable catch for allocation to such community development quota program." 16 U.S.C. 1855(i)(1)(C)(i).

percentage for a species or species group from that percentage approved by the Council prior to October 1, 1995.<sup>10</sup> The legislative history is quite clear that amendments that would increase percentages are not permitted during the moratorium but that amendments for percentages less than those approved by the Council prior to October 1, 1995, may be submitted for Secretarial review during the moratorium.<sup>11</sup>

An "allocation" under the CDQ program is properly interpreted as an amount that may be caught, and is not dependent on the ultimate disposition of the fish, such as "caught and retained." This interpretation was stated in the proposed rule for the MS CDQ program and reiterated in the final rule for the MS CDQ program.<sup>12</sup>

Given the CDQ moratorium and the interpretation of the term "allocation," any approach that would authorize the catch and/or retention of an amount greater than that approved for such fishery by the Council prior to October 1, 1995, is prohibited. The proposed approach under Question 6 would create the ability to continue catching a species or species group after the CDQ allocation has been reached. Such an approach would actually allocate an amount that is greater than that approved by the Council prior to October 1, 1995, and would be prohibited during the CDQ moratorium.

Question 3: Could the 7.5% of all species allocated to the CDQ program be treated as an overall cap, while leaving some flexibility to exceed individual species quotas if offset by the underharvest of other quotas?

No. Given the responses to Questions 1 and 6, the percentage allocations to the CDQ program cannot be combined and treated as an overall cap. The approach suggested by Question 3 would permit the harvest of some species, such as pollock, in excess of the percentage allocation approved by the Council prior to October 1, 1995, in violation of the CDQ moratorium.

Question 4: Could the CDQ non-specific reserve pool of species be expanded to provide more flexibility? For example, yellowfin sole and "other flatfish" are species of comparatively little commercial value that are in no danger of overfishing. Could they be included? If a group exceeds its squid CDQ, can yellowfin sole be converted to squid to cover the overage? Could the percentage of the species allocated to the non-specific be increased, say to 50%?

The MS CDQ program proposed and final rules discuss the establishment of a non-specific CDQ reserve in order to reduce the potential for the catch of some non-target CDQ groundfish species to constrain the catch

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<sup>10</sup>"Prior to October 1, 2001, the percentage submitted by the Council and approved by the Secretary for any such plan, amendment, or regulation, shall be no greater than the percentage approved by the Council for such fishery prior to October 1, 1995." 16 U.S.C. 1855(i)(1)(C)(ii)(II).

<sup>11</sup>Young's congressional record statements

<sup>12</sup>See 62 Fed. Reg. 43866, 43872-73 (August 15, 1997) and 63 Fed. Reg. 30381, 30385 Comment 21 and response (June 4, 1998).

of target CDQ groundfish species.<sup>13</sup> CDQ species eligible to be placed in the non-specific CDQ reserve are low-valued species for which no target fishery currently exists but for which there is a sufficient buffer between the TAC and the overfishing limit. The decision to add or remove species from the non-specific CDQ reserve is a policy decision. It could be that specific management measures developed as a result of the policy decision will have legal implications, but at this time no further legal interpretation is necessary.

Additionally, the ability to convert squid harvest as yellowfin sole harvest is a policy question. It could be that specific management measures developed as a result of the policy decision will have legal implications, but at this time no further legal interpretation is necessary.

Finally, the decision to increase the amount allocated to the non-specific CDQ reserve is a policy decision for which no legal interpretation is required. However, as with the existing non-specific CDQ reserve, this approach has the potential to violate the CDQ moratorium in that a release from the non-specific CDQ reserve (like squid) may result in the catch of more than a CDQ group's allocation of squid. Whether this overharvest would exceed the overall 7.5 percent CDQ allocation of squid may not be known until the end of the fishing year when the catch of squid from all of the CDQ groups is counted.

Question 2: Could some species be allocated to the program, but not allocated to the groups, creating a common CDQ pool to be shared among the groups as with open access PSC apportionments? For example, could squid be treated as a common pool for all CDQ fisheries? When total CDQ squid catch reached 7.5% of the TAC, then CDQ fisheries taking squid (primarily pollock) would have to cease. For species with highly random bycatch rates such as squid, this could provide needed flexibility.

The statute does not address this level of specificity, but given the response provided for Question 1, it does not prohibit this approach. Therefore, this is a policy question. It could be that specific management measures developed as a result of the policy decision will have legal implications, but at this time no further legal interpretation is necessary.

Question 5: Could CDQ groups be allowed an overage allowance that would come off the following year's quota, similar to the IFQ process?

This approach does not appear to contradict the statutory prohibition on CDQ allocation increases during the moratorium. Therefore, this is a policy decision. It could be that specific management measures developed as a result of the policy decision will have legal implications, but at this time no further legal interpretation is necessary.

cc: GC - Jay Johnson  
GCF - Margaret F. Hayes  
GCF - Marian Macpherson  
F/AKR - Steven Pennoyer  
F/AKR - Sally Bibb

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<sup>13</sup>See 62 Fed. Reg. 43866, 43875 (August 15, 1997) and 63 Fed. Reg. 30381, 30385 Comment 20 and response (June 4, 1998).

# North Pacific Fishery Management Council

Richard B. Lauber, Chairman  
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June 22, 1998

Ms. Lisa Lindeman  
NOAA General Counsel Alaska Region  
P.O. Box 21109  
Juneau, Alaska 99802

Dear Lisa:

## Problem Statement

The Multi-Species CDQ regulations contain a strict prohibition on a CDQ group exceeding any allocation it receives. The current regulations interpret the NPFMC action as meaning that no more than 7.5% of the TAC may be taken by CDQ groups in aggregate, and that no individual group may take more than their allocation of that 7.5%.

A number of constraints flow from this strict prohibition. The most compelling example is the "squid box." An allocation percentage of squid equal to a group's percentage pollock allocation could be inadequate to harvest its pollock, as squid occur very randomly in the pollock fishery and are impossible to distinguish from pollock using shipboard electronics. Individual vessels can have bycatch far exceeding their pro-rata share of the squid TAC. Yet, for the pollock fleet overall, the squid TAC is rarely exceeded, as most vessels encounter few squid.

The potential for shortages of bycatch species exists with other species whose TACs are set based on historic open access catches across all fisheries where the ratio of target species to bycatch species' TACs bear little resemblance to actual CDQ harvest strategy. For example, the "other species" TAC is not normally reached in the open access fisheries because a large percentage of the cod is taken with trawls, with a lower skate bycatch resulting. Most CDQ cod will be taken with longlines to lower halibut bycatch, resulting in more skate bycatch. As skate is included in the "other species" category, this will probably be limiting, though the "other species" TAC is far below the ABC and skate are in no apparent danger from overfishing. There is no commercial or biological reason to limit skate bycatch to this low level or to limit the CDQ longline cod fishery.

NMFS specifically recognized the need for some flexibility concerning the effect of reaching a CDQ, and provided the non-specific reserve. This is expected to be inadequate to fully address the problem based on average bycatch rates.

Finally, some individual bycatch species allocations are exceedingly small, and the potential exists for quota overages to occur despite best efforts by the CDQ groups and their partners to avoid such bycatch. Examples of small quotas are other rockfish in the Aleutian Islands and shortraker/rougheye/sharpchin/northern rockfishes in the Bering Sea. The regulations contain no provision for overages to be carried forward as is found in the IFQ regulations.

The Committee requests opinions on various options the Council might pursue to more fully define its intent in setting aside 7.5% of groundfish TACs for the CDQ program. We recognize that some of these options go beyond legal interpretation and involve policy decisions. In those cases, please state what the legal ramifications are, if any, and note that a policy decision is involved.

## Opinion Request

The NPFMC CDQ Implementation Committee requests opinions on the following:

- Must every species with a TAC have a CDQ?

The NOAA GC Guide to the Sustainable Fisheries Act at page 49 indicates considerable flexibility on this issue. Flexibility has already been shown on herring, as state regulations prohibit retention, while NMFS MS regulations require all bycatch to be brought to shore and weighed for unobserved trawl catcher boats. Herring was reserved for CDQ, but is not currently allocated as a PSQ species in the final rule.

- Could some species be allocated to the program, but not allocated to the groups, creating a common CDQ pool to be shared among the groups as with open access PSC apportionments?

For example, could squid be treated as a common pool for all CDQ fisheries? If total CDQ squid catch were to reach 7.5% of the TAC, then fisheries taking squid (primarily pollock) would have to cease. For species with highly random bycatch rates such as squid, this could provide needed flexibility.

- Could the 7.5% of all species allocated to CDQ program be treated as an overall cap, while leaving some flexibility to exceed individual specie's quotas if offset by under-harvest of other quotas?

The non-specific reserve uses this approach, but is too limited in its scope to deal with the potential shortages of even those three species/complexes. Could the percentage of the species allocated to the non-specific reserve be increased, say to 50%?

- Could the pool of species be expanded to provide more flexibility? For example, yellowfin sole and "other flatfish" are species of comparatively little commercial value that are in no danger of overfishing. Could they be included? If a group exceeds its squid CDQ, can yellowfin sole be converted to squid to cover the overage?
- Could CDQ groups be allowed an overage allowance that would come off the following year's quota? This would mimic the IFQ process.
- Could the regulations mimic the open access process by providing the Council with "frameworked" authority in the annual specifications process to list species which become PSC when a CDQ is reached, rather than shutting down a fishery?

An initial list could include squid, arrowtooth and other species. The RD's authority to close CDQ fisheries if overfishing is a danger could parallel the open access case.

We would appreciate a response by September 1, so that the Committee can digest it before its next meeting in early September. Thank you for your attention to this matter.

Sincerely,

CAPT Vince O'Shea  
Chairman, CDQ Implementation Committee

# DRAFT

## Squid Bycatch Analysis

Year	Squid TAC (mt)	7.50% of TAC	Actual Squid Catch (mt)	(Over)/ Under TAC	Pollock Allocation Percentage		
					GROUP	1994-5	1996-8
1997	1,970	147.8	1,703	267	APICDA	18%	16%
1996	850	63.8	1,167	-317	BBEDC	20%	20%
1995	850	63.8	458	392	CBSFA	8%	4%
1994	2,644	198.3	587	2,057	CVRF	27%	25%
					NSEDC	20%	22%
					YDFDA	7%	13%
					<b>TOTAL</b>	<b>100%</b>	<b>100%</b>

### CDQ Group's Actual Bycatch of Squid (mt)

YEAR	1997	1996	1995	1994	TOTAL
APICDA	87.0	2.0	28.0	6.0	123.0
BBEDC	15.3	3.8	2.6	2.6	24.1
CBSFA*	7.3	1.3	0.0	0.0	8.7
CVRF					0.0
NSEDC	64.2	17.7	47.1	31.7	160.7
YDFDA					0.0
<b>TOTAL</b>	<b>173.7</b>	<b>24.8</b>	<b>77.7</b>	<b>40.3</b>	<b>316.5</b>

\* No data available for 1994 and 1995

### CDQ Group's Squid Allocation (mt), based on Pollock Allocation %

GROUP	1997	1996	1995	1994	TOTAL
APICDA	23.6	10.2	11.5	35.7	81.0
BBEDC	29.6	12.8	12.8	39.7	94.7
CBSFA	5.9	2.6	5.1	15.9	29.4
CVRF	36.9	15.9	17.2	53.5	123.6
NSEDC	32.5	14.0	12.8	39.7	98.9
YDFDA	19.2	8.3	4.5	13.9	45.8
<b>TOTAL</b>	<b>147.8</b>	<b>63.8</b>	<b>63.8</b>	<b>198.3</b>	<b>473.6</b>

### CDQ Group's Underage/(Overage) (mt)

YEAR	1997	1996	1995	1994	TOTAL
APICDA	(63.4)	8.2	(16.5)	29.7	(42.0)
BBEDC	14.3	9.0	10.2	37.1	70.6
CBSFA*	(1.4)	1.2	5.1	15.9	
CVRF					
NSEDC	(31.7)	(3.7)	(34.4)	8.0	(61.7)
YDFDA					
<b>TOTAL</b>	<b>(82.1)</b>	<b>14.8</b>	<b>(35.6)</b>	<b>90.6</b>	<b>(33.1)</b>

\* No data available for 1994 and 1995, skews the Total U/O numbers

### Percentage of Allocation Caught

YEAR	1997	1996	1995	1994	TOTAL
APICDA	368.0%	19.6%	244.0%	16.8%	151.8%
BBEDC	51.6%	29.4%	20.1%	6.5%	25.5%
CBSFA	124.0%	51.8%	0.0%	0.0%	29.4%
CVRF	0.0%	0.0%	0.0%	0.0%	0.0%
NSEDC	197.4%	126.1%	369.6%	79.9%	162.4%
YDFDA	0.0%	0.0%	0.0%	0.0%	0.0%

Ask everyone where their source of data, for comparison reasons...

**FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL**  
**North Pacific Fishery Management Council**

**Name of Proposer:** CDQ Implementation Committee      **Date:** 9/11/98

**Address:**

**Telephone:**

**Fishery Management Plan:** BSAI FMP

**Brief Statement of Proposal:** Allow the CDQ trawl fisheries to begin on January 1.

Alternative 1. Status quo.

Alternative 2. Allow all CDQ fisheries to start on January 1

Alternative 3. Allow all CDQ fisheries, except for pollock, on January 1

**Objectives of Proposal: (What is the problem?)**

The CDQ groups would like the option of starting CDQ trawl fisheries on January 1. The committee agreed that fair start issues were not relevant to the CDQ program and that the CDQ fisheries could start earlier in the year, unless other biological or environmental concerns are identified. The committee identified this as a high priority issue,

**Need and Justification for Council Action: (Why can't the problem be resolved through other channels?)**

The analysis should address the original rationale for the January 20 trawl season opening date, how CDQ operations differ from open access fisheries, a description of the target fisheries and economic impacts (e.g., shift in efforts, limited options for other open windows due to partner participation in other open access fisheries, market considerations) of the January 20 start date on the CDQ groups, and interactions with chinook salmon and marine mammals.

**Foreseeable Impacts of Proposal: (Who wins, who loses?)**

Under each of the alternatives, other than status quo, CDQ groups would be able to harvest their allocations prior to January 20. There is no appreciable chinook salmon bycatch in the non-pollock mid-water trawl fisheries. In the case of pollock, the CDQ groups have individual allocations of chinook salmon PSQ, which must be managed carefully to avoid closing their pollock CDQ fishery. CDQ flatfish fisheries, particularly roe rock sole, would primarily be harvested during this time. There are good market opportunities available.

**Are there Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem?**

There are no other alternative solutions, except status quo.

**Supportive Data & Other Information: What data are available and where can they be found?**

Previous Council EA/RIR that analyzed the delay of the trawl season opening date and the impact of mid-water pollock trawling on chinook salmon bycatch.

**Signature:**

Please check applicable box(es): <input type="checkbox"/> IFQ Program <input type="checkbox"/> Bycatch Reduction <input checked="" type="checkbox"/> BSAI Groundfish FMP <input type="checkbox"/> GOA Groundfish FMP <input type="checkbox"/> BSAI Crab FMP <input type="checkbox"/> Scallop FMP
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LATE

**FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL  
North Pacific Fishery Management Council**

Please check applicable box(es):
<input type="checkbox"/> IFQ Program
<input type="checkbox"/> Bycatch Reduction
<input checked="" type="checkbox"/> BSAI Groundfish FMP
<input type="checkbox"/> GOA Groundfish FMP
<input type="checkbox"/> BSAI Crab FMP
<input type="checkbox"/> Scallop FMP

**Name of Proposer:** CDQ Implementation Committee **Date:** 9/11/98

**Address:**

**Telephone:**

**Fishery Management Plan:** BSAI FMP

**Brief Statement of Proposal:** Initiate an analysis to address the following four issues:

1. Establish an overage/underage program (no more than 10% or 50 mt, whichever is greater).
2. Establish a framework to move species into and out of the non-specific reserve and/or increase the percentage contributing to the reserve. And to clarify that species which may be added are those for which there is a sufficient buffer between the TAC and the OFL.
3. Modify the squid OFL.
4. Develop a framework criteria for removing and adding species to the CDQ list.
5. Some species will not be allocated to CDQ groups on a voluntary basis but will be fished in common (pooled)

**Objectives of Proposal: (What is the problem?)**

The CDQ allocations may be underharvested with accompanying economic losses because of potential fishery closures due to reaching bycatch limits for squid and other species.

**Need and Justification for Council Action: (Why can't the problem be resolved through other channels?)**

NMFS has interpreted the Council's designation of 7.5% MS CDQ allocation as a finite number that cannot be exceeded. This could pose significant problems since many of the CDQ allocations are for extremely small quantities that could easily be exceeded given even the most careful harvesting practices. The proposal offers a number of alternatives which, if taken in combination, provide the needed flexibility to rationally and responsibly manage CDQ fisheries and allocations.

In absence of action by the Council, many of the CDQ allocations (particularly pollock) will not be fully harvested and, conversely, many of the CDQ organizations and their partners will inadvertently be in violation of regulations since some overages are inevitable.

**Foreseeable Impacts of Proposal: (Who wins, who loses?)**

Implementation of the proposals would allow the CDQ fisheries to be conducted in a manner which recognizes the reality of fishing in the BSAI. It will allow the CDQ organizations to responsibly manage their allocations and increase the likelihood that the allocations will be harvested. Enforcement burdens and legal counsel actions will be substantially reduced.

There are no "losers" in this proposal, unless the proposal is not adopted. In that event, the probability exists that the entire MS CDQ program may be a failure. The losers then would be the CDQ organizations, their partners, and these sectors of the industry that generate revenue from the harvest of CDQ fisheries.



**Are there Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem?**

There are no other alternative solutions.

**Supportive Data & Other Information: What data are available and where can they be found?**

See letter from NOAA General Counsel dated September 10, 1998 to the CDQ Implementation Committee, and the MS CDQ regulations.

**Signature:**

**Summary of Proposed Rule for Management of  
Halibut CDQ Fisheries and Other Miscellaneous Amendments to MS  
CDQ Regulations**

The proposed regulatory amendments fall into three categories:

1. Those addressing management of vessels halibut CDQ fishing or harvesting halibut CDQ in groundfish CDQ fisheries and the processors or registered buyers taking deliveries from these vessels;
2. Removal or revision of sections addressing management of the fixed gear sablefish or pollock CDQ fisheries in 1998;
3. other miscellaneous technical or editorial revisions to the MS groundfish CDQ regulations that have been identified since publication of the final rule on June 4, 1998.

**Purpose of and Need for the Proposed Action**

In the proposed rule for the MS CDQ program (62 FR 43865; June 16, 1997), NMFS proposed to integrate the groundfish and halibut CDQ fisheries under one set of monitoring and catch accounting regulations so that all catch in the groundfish and halibut CDQ fisheries would be accounted for by a CDQ allocation. The result of this proposal would have been to no longer manage the fixed gear halibut and sablefish CDQ catch under the IFQ regulations.

The MS CDQ program catch accounting system is designed to provide full accounting of all catch (retained and discarded) and does not allow the discard of some CDQ species once quotas are reached in order to continue groundfish CDQ fishing for species with available quota. The IFQ program, on the other hand, requires accounting only of the retained catch of halibut and sablefish. Fishermen are required to retain all legal sized halibut and sablefish while any IFQ/CDQ cardholder on the boat has available IFQ or CDQ for that species. However, catch in excess of quota is required to be discarded and is not counted against the IFQ or CDQ.

Public comments on the proposed rule stated that the proposal to combine vessels and processors participating in the groundfish and halibut CDQ fisheries under one set of regulations was burdensome for participants in the halibut CDQ fishery, did not consider the differences between the groundfish fisheries and the halibut fisheries, and generated information not worth the additional effort and cost to the CDQ participants or NMFS. Specifically, the public comments stated that proposed requirements for CDQ observers in shoreside processors taking deliveries of halibut CDQ and retention and delivery of all groundfish CDQ species by small vessels were not necessary for

the halibut CDQ fisheries.

Although NMFS had proposed different observer coverage, equipment, and reporting requirements for different size and gear type vessels, no distinction was made in the proposed rule between the requirements for vessels of the same size fishing in the halibut CDQ fisheries or fishing in the groundfish CDQ fisheries. In the final rule for the MS CDQ program (63 FR 30381; June 4, 1998), NMFS agreed that differences between the small-scale halibut CDQ fisheries and the groundfish CDQ fisheries warrant consideration of different catch monitoring and CDQ accounting regulations.

#### **Elements of the Proposed Rule - Halibut CDQ Fishing**

Based on the public comment received on the proposed rule for Amendment 39, and on recommendations made by the Council's CDQ Implementation Committee, NMFS is proposing the following for management of halibut CDQ in 1999 and thereafter:

1. Define "halibut CDQ fishing" as fishing by a vessel using fixed gear that results in the landing of halibut CDQ in a delivery by a catcher vessel or a set by a catcher/processor in which retained halibut represents the largest proportion of the catch.
2. Define "groundfish CDQ fishing" as fishing by an eligible vessel listed on an approved CDP that results in a groundfish CDQ species or species group representing the largest proportion of the catch in the CDQ delivery by a catcher vessel or the CDQ haul or set by a catcher/processor.
3. Clarify that the prohibition at § 679.7(d)(11) against discarding groundfish CDQ species from a catcher vessels less than 60' LOA applies only to vessels groundfish CDQ fishing and not to vessels halibut CDQ fishing.
4. Remove the reference in § 679.7(d)(4) to "halibut CDQ" so that vessels harvesting only halibut CDQ and processors or registered buyers taking delivery of only halibut CDQ are not required to be listed in the CDP.

5. Maintain a separate paragraph (e) in § 679.32 for halibut CDQ fishing that would require the following:

(e) Halibut CDQ--

(1) Applicability. The owner or operator of a vessel harvesting halibut CDQ or a registered buyer must comply with the requirements of this paragraph (e).

(2) Accounting for halibut CDQ catch. The following requirements must be met by any vessel harvesting halibut CDQ, including vessels halibut CDQ fishing as defined at § 679.2 and vessels groundfish CDQ fishing as defined at § 679.2.

(i) Permits. The CDQ group must obtain a halibut CDQ permit issued by the Regional Administrator. A copy of the halibut CDQ permit must be carried on any fishing vessel operated by, or for, a CDQ group that will have halibut CDQ onboard and the permit must be made available for inspection by an authorized officer. The halibut CDQ permit is issued annually until revoked, suspended, or modified.

(ii) CDQ landing cards. All individuals must have a valid halibut CDQ landing card issued by the Regional Administrator before landing any halibut CDQ. Each halibut CDQ landing card will identify a CDQ permit number and the individual authorized by the CDQ group to land halibut for debit against the CDQ group's halibut CDQ.

(iii) Alteration. No person may alter, erase, mutilate, or forge a halibut CDQ permit, landing card, registered buyer permit, or any valid and current permit or document issued under this part. Any such permit, card, or document that has been intentionally altered, erased, mutilated, or forged is invalid.

(iv) Landings. Halibut harvested under an approved CDP may be landed only by a person with a valid halibut CDQ landing card, delivered only to a person with a valid registered buyer permit, and reported in compliance with § 679.5(1)(1) and (1)(2).

(v) The CDQ group, vessel operators, and registered buyers must comply with all of the IFQ prohibitions at § 679.7(f).

(3) Accounting for catch of groundfish CDQ while halibut CDQ fishing. All groundfish CDQ harvested or delivered while halibut CDQ fishing as defined at § 679.2 must be reported on a CDQ delivery report described at § 679.5(n)(1).

(4) Observer coverage requirements. Vessels halibut CDQ fishing as defined at § 679.2 or shoreside processors taking deliveries from vessels equal to or greater than 60 ft (18.29 m) LOA that are halibut CDQ fishing must comply with observer coverage requirements at § 679.50(c)(4) and (d)(4).

**Comparison of observer coverage requirements for groundfish Fishing, MS groundfish CDQ fishing, and halibut CDQ fishing**

Highlighting shows proposed change in CDQ observer coverage requirements for shoreside processors (or registered buyers) taking delivery from vessels < 60' LOA that have been halibut CDQ fishing.

Vessel/Processor Type	Number of Observers Required		
	Groundfish Fishing	Groundfish CDQ Fishing	Halibut CDQ Fishing
Catcher vessel <60'	0	0	0
Catcher vessel ≥ 60'	60'-125': 30% ≥125': 100% 1/	1	1
Catcher/processor	60'-125': 30% ≥125': 100% <sup>1/</sup>	2 (trw,hal) 1 (pot)	2 (trw,hal) 1 (pot)
Shoreside processor, if vessel <60'	< 500 mt: 0 2/ 500-1000 mt: 30% >1000 mt: 100%	1	0
Shoreside processor, if vessel ≥ 60'		1	1
Mothership		2	2

1/ except pot gear, which requires 30% for all vessels over 60'.

2/ processed this amount in round-weight equivalent of groundfish during a calendar month.

## Review of Management of Fixed Gear Sablefish CDQ in 1999 and Thereafter

This proposed rule will not change regulations governing management of the catch of fixed gear sablefish CDQ in 1999 and thereafter, except that regulations governing fixed gear sablefish CDQ fishing in 1998 will be removed.

### Sablefish CDQ Reserves

▶ Two sablefish CDQ reserves currently exist.

1. The "fixed gear sablefish CDQ reserve", established in 1995 under Amendment 15 to the FMP, is made up of 20 percent of the fixed gear allocation of the sablefish TAC (see § 679.20(b)(1)(iii)(B)).

Only fixed gear may be used to harvest the fixed gear sablefish CDQ reserve

2. The "sablefish CDQ reserve", established with the MS groundfish CDQ reserves in 1998, it is comprised of 7.5% of the trawl allocation of the sablefish TAC.

Any legal gear may be used to harvest the sablefish CDQ reserve.

Under regulations governing the proposed and initial groundfish specifications, no sablefish is allocated to the fixed gear sablefish CDQ reserve until the BSAI specifications are final.

Any sablefish harvested with fixed gear prior to the date the BSAI groundfish specifications are final will accrue against the sablefish CDQ reserve (non-gear specific reserve).

After the BSAI specifications are final, any catch of sablefish with fixed gear will first accrue against the CDQ group's fixed gear sablefish reserve. Once the fixed gear sablefish CDQ reserve has been harvested, any catch of sablefish CDQ with fixed gear will accrue against the non-gear specific sablefish CDQ reserve. Catch of sablefish CDQ with trawl gear will accrue only to the non-gear specific sablefish CDQ reserve.

### Catch Monitoring

- ▶ All vessels harvesting sablefish CDQ and all processors taking deliveries of sablefish CDQ after December 31, 1998 will be required to comply with the MS groundfish CDQ requirements in § 679.32.

- ▶ Sablefish CDQ will no longer be reported under the IFQ program requirements.
  - CDQ groups will no longer be required to obtain CDQ permits, and individuals will no longer be required to obtain CDQ cards to harvest sablefish CDQ or to deliver sablefish CDQ to registered buyers.
  - No prior notice of landings or landings report will be submitted to NMFS for sablefish CDQ.
  - Sablefish CDQ will no longer be required to be reported on Shipment Reports.
- ▶ Vessels harvesting sablefish CDQ will be required to carry CDQ observers if they are catcher/processors or are catcher vessels 60 ft or greater length overall (LOA).
- ▶ Shoreside processors will be required to have deliveries from vessels groundfish CDQ fishing observed by a CDQ observer.
- ▶ All groundfish CDQ catch, including sablefish CDQ, must be reported on the CDQ delivery report and CDQ catch report.
- ▶ Estimates based on observer data will be used to determine the catch of all CDQ and PSQ species (including sablefish CDQ) on all catcher/processors and on any catcher vessel using non-trawl gear and electing to discard groundfish CDQ species at sea (see § 679.32(d)(2)(iv)(B) Option 2).

#### Seasons

- ▶ Halibut and sablefish CDQ fishing with fixed gear may occur only during the IFQ fishing seasons (currently March 15 - November 15) (requirement implemented under IFQ/CDQ regulations).
- ▶ Between January 1 and March 15 and between November 15 and December 31, sablefish CDQ may be retained, but the retained catch weight of sablefish must not exceed the maximum retainable bycatch amounts specified under § 679.20(d)(1)(iii).

## Other proposed changes to the MS groundfish CDQ regulations

### Definitions

1. Remove definitions for "pollock CDQ fishing", and "fixed gear sablefish and halibut CDQ fishing" that expire on December 31, 1998.
2. Revise the definition for "groundfish CDQ fishing" to remove the sunset date and to remove references to the pollock CDQ fishing and fixed gear sablefish and halibut CDQ fishing.

### Pollock CDQ

3. Add a phrase to the prohibition at § 679.7(d)(5) against a CDQ group exceeding their first seasonal allowances ("A-season" allowance) of the Bering Sea pollock CDQ. For each CDQ group that receives an allocation of Bering Sea pollock, NMFS will monitor two seasonal allowances determined by the same percentage allocation as is applied for the overall Bering Sea pollock TAC.
4. Remove the prohibition at § 679.7(d)(22) which addresses the use of certified bins in the pollock CDQ fisheries. This prohibition will not be necessary in 1999 and thereafter, because all catcher/processors and motherships harvesting pollock CDQ will be required to weigh all CDQ catch on a scale. Volumetric estimates made by observers using certified bins will no longer be allowed.
5. Remove the prohibition at § 679.7(d)(24) which prohibits the use of other than pelagic trawl gear in the pollock CDQ fisheries. This prohibition was recommended by the North Pacific Fishery Management Council at its meeting in April 1996 to minimize the amount of bycatch in the 1998 pollock CDQ fisheries that would accrue against total allowable catches and prohibited species catch limits for the moratorium groundfish fisheries. This recommendation was made because bycatch in the 1998 pollock CDQ fisheries will not accrue against the multispecies groundfish CDQs or prohibited species quotas. The Council recommended that the current prohibition be implemented only for 1998. However, at its June, 1998 meeting, the Council recommended that NMFS prepare proposed rulemaking that would prohibit using other than pelagic gear in all Bering Sea and Aleutian Islands pollock fisheries. If implemented, this prohibition would apply to the pollock CDQ fisheries in the future.
6. In § 679.50 remove phrase "Except as provided for under § 679.32(e)" from paragraph (c)(4) observer requirements for vessels - this is reference to the pollock CDQ requirements which would be removed by the proposed rule.



MS CDQ - General

7. Clarify that it is prohibited to combine IFQ and CDQ catch together in the same delivery by an observed catcher vessel by revising § 679.7(d)(13) to state the following (new phrase emphasized in italics): "For the operator of a catcher vessel, catch, retain on board, or deliver groundfish CDQ species together with moratorium groundfish species; *and for the operator of a catcher vessel required to carry a CDQ observer, catch, retain on board, or deliver CDQ species together with IFQ species.*"

The prohibition against combining IFQ and CDQ species together in the same delivery by an observed catcher vessel results from three other prohibitions, two of which were implemented under the MS groundfish CDQ regulations and the other under the IFQ program. They are prohibitions against:

1. Combining CDQ and non-CDQ ("open access") groundfish together in the same delivery,
2. Combining CDQ and IFQ in the same set on an observed vessels, and
3. Discarding rockfish or cod while fixed gear IFQ or CDQ fishing.

The combination of the above prohibitions probably would result in a violation of CDQ and IFQ regulations if CDQ and IFQ were combined in the same delivery (trip). If a catcher vessel made a separate IFQ set during a CDQ trip, they would be required to retain all cod and rockfish. However, the cod or rockfish retained in this set could not accrue against a CDQ, because this would be mixing IFQ and CDQ together in the same set (prohibited in § 679.7(d)(15)). In addition, the cod and rockfish retained could not accrue against the open access TACs because this would be retaining open access species during a CDQ trip (prohibited in § 679.7(d)(13)). Therefore, the only way that a catcher vessel operator could legally harvest IFQ and CDQ together on the same trip is if the separate IFQ sets had no bycatch of any CDQ species. This is highly unlikely, therefore, it is almost certain that combining IFQ and CDQ together in the same trip will lead to violation of either a CDQ or IFQ regulation.

8. Consolidate the prohibitions at § 679.7(d)(19) and (d)(20) addressing requirements for catcher/processors using trawl gear and motherships to weigh total catch and to conduct daily tests of the scale used to weigh catch at sea.
9. Add a prohibition in § 679.7(d) against discarding sablefish

CDQ harvested with fixed gear. This prohibition is required under the FMP for both IFQ and CDQ sablefish, but had not been previously included in the CDQ prohibitions.

10. Remove the sunset date on § 679.31(f) and retain this authority to reallocate CDQ or PSQ reserves back to the non-CDQ fisheries if the CDQ groups provide NMFS with written notice that a specific amount of CDQ or PSQ will not be used in the CDQ fisheries and would, therefore, be available to the non-CDQ fisheries.

NMFS proposes the following revision:

"(f) Reallocation of CDQ or PSQ reserves. If the Regional Administrator receives written notification from the State and a CDQ group that a specific amount of a CDQ or PSQ reserve will not be used during the remainder of a fishing year, the Regional Administrator may reallocate this amount of the CDQ reserve back to the non-specified reserve established by §679.20(b)(1)(ii) and may reallocate any unused amount of a PSQ reserve back to non-CDQ fisheries that may be open to directed fishing for the remainder of the year in proportion to those fisheries' apportionment of PSC limits established by § 679.21".

§ 679.2 Definitions and § 679.7 Prohibitions

§ 679.2 Definitions

CDQ program under § 679.21(e) (1) (i) and (e) (2) ~~(i)~~ (ii).

~~Fixed gear sablefish and halibut CDQ fishing (applicable through December 31, 1998) means fishing with fixed gear by an eligible vessel listed on an approved CDP that results in the catch of any halibut CDQ or the catch of any sablefish CDQ that accrues against the fixed gear sablefish CDQ reserve.~~

~~Groundfish CDQ fishing (applicable through December 31, 1998) means fishing by an eligible vessel listed on an approved CDP that results in the catch of any CDQ or PSQ species other than pollock CDQ, halibut CDQ, and fixed gear sablefish CDQ.~~

Groundfish CDQ fishing means fishing by an eligible vessel listed on an approved CDP that results in a groundfish CDQ species or species group representing the largest proportion of the catch in the CDQ delivery by a catcher vessel or the CDQ haul or set by a catcher/processor.

Halibut CDQ fishing means fishing by a vessel using fixed gear that results in the landing of halibut CDQ in a delivery by a catcher vessel or a set by a catcher/processor in which retained halibut CDQ represents the largest proportion of the catch.

~~Pollock CDQ fishing (applicable through December 31, 1998) means fishing with pelagic trawl gear by an eligible vessel listed on an approved CDP that results in the catch of pollock that accrues against a CDQ group's allocation of pollock CDQ.~~

Prohibited species quota (PSQ) means the amount of a prohibited species catch limit established under § 679.21(e) (1) and (2) that is allocated to the groundfish

§ 679.2 Definitions and § 679.7 Prohibitions

§ 679.7 Prohibitions.

(d) CDQ. (1) Participate in a Western Alaska CDQ program in violation of this part.

(2) Fail to submit, submit inaccurate information on, or intentionally submit false information on any report, application, or statement required under this part.

(3) Participate as a community in more than one CDP, unless the second CDP is for vessels fishing halibut CDQ only.

(4) Harvest groundfish CDQ ~~or halibut CDQ~~ or PSQ on behalf of a CDQ group with a vessel that is not listed as an eligible vessel on an approved CDP for that CDQ group.

(5) For a CDQ group, exceed a CDQ, the first seasonal allocation of the Bering Sea pollock CDQ, a halibut PSQ, or a crab PSQ.

(6) For the operator of an eligible vessel listed on an approved CDP, use trawl gear to harvest groundfish CDQ in Zone 1 after the CDQ group's red king crab PSQ or C. bairdi Tanner crab PSQ in Zone 1 is attained.

(7) For the operator of an eligible vessel listed on an approved CDP, use trawl gear to harvest groundfish CDQ in Zone 2 after the CDQ group's PSQ for C. bairdi Tanner crab in Zone 2 is attained.

(8) For the operator of an eligible vessel listed on an approved CDP, use trawl gear to harvest groundfish CDQ in the C. opilio Bycatch Limitation Zone after the CDQ group's PSQ for C. opilio Tanner crab is attained.

(9) For the operator of an eligible vessel listed on an approved CDP, use trawl gear to harvest groundfish CDQ in the Chinook Salmon Savings Area between January 1 and April 15 after the CDQ group's chinook salmon PSQ is attained.

(10) For the operator of an eligible vessel listed on an approved CDP, use trawl gear to harvest groundfish CDQ in the Chum Salmon Savings Area between September 1 and

October 14 after the CDQ group's non-chinook salmon PSQ is attained.

(11) For the operator of a catcher vessel using trawl gear or any vessel less than 60 ft (18.29 m) LOA that is groundfish CDQ fishing as defined at § 679.2, discard any groundfish CDQ species or salmon PSQ before it is delivered to an eligible processor listed on an approved CDP.

(12) For the operator of a vessel using trawl gear, release CDQ catch from the codend before it is brought on board the vessel and weighed on a scale approved by NMFS under § 679.28(b) or delivered to a processor. This includes, but is not limited to, "codend dumping" and "codend bleeding."

§ 679.7 Prohibitions, continued

(13) For the operator of a catcher vessel, catch, retain on board, or deliver groundfish CDQ species together with moratorium groundfish species; and for the operator of a catcher vessel required to carry a CDQ observer, catch, retain on board, or deliver CDQ species together with IFQ species.

(14) For the operator of a catcher/processor, catch groundfish CDQ species together with moratorium groundfish species in the same haul, set, or pot.

(15) For the operator of a catcher/processor or a catcher vessel required to carry a CDQ observer, combine catch from two or more CDQ groups or from CDQ and IFQ in the same haul or set.

(16) Use any groundfish CDQ species as a basis species for calculating retainable bycatch amounts under § 679.20.

(17) For the operator of a catcher/processor using trawl gear or a mothership, harvest or take deliveries of CDQ or PSQ species without a valid scale inspection report signed by an authorized scale inspector under § 679.28(b)(2) on board the vessel.

(18) For the operator of a vessel required to have an observer sampling station described at § 679.28(d), harvest or take deliveries of CDQ or PSQ species without a valid observer sampling station inspection report issued by NMFS under § 679.28(d)(8) on board the vessel.

(19) For the operator of a catcher/processor using trawl gear or a mothership, sort, process, or discard CDQ or PSQ species before the total catch is weighed on a scale that meets the requirements of § 679.28(b), including the daily test requirements described at § 679.28(b)(3).

~~(20) For the operator of a vessel required to have a scale to weigh total catch or an observer sampling scale, harvest or take deliveries of CDQ or PSQ species if any scale fails to meet the daily test requirements described at § 679.28(b)(3).~~

(20) ~~(21)~~ For the manager of a shoreside processor or the manager or operator of a buying station that is

required elsewhere in this part to weigh catch on a scale approved by the State of Alaska under § 679.28(b), fail to weigh catch on a scale that meets the requirements of § 679.28(b).

~~(22) For the operator of a catcher/processor or mothership that is required elsewhere in this part to provide certified bins for volumetric estimates that meet the requirements of § 679.28(e), fail to provide bins that meet the requirements of § 679.28(e).~~

(21) ~~(23)~~ For a CDQ representative, use methods other than those approved in the CDP to determine the catch of CDQ and PSQ reported to NMFS on the CDQ catch report.

~~(24) For the operator of a vessel using trawl gear, harvest pollock CDQ in 1998 with trawl gear other than pelagic trawl gear.~~

(22) ~~(25)~~ For a CDQ group, report catch of sablefish CDQ for accrual against the fixed gear sablefish CDQ reserve if that sablefish CDQ was caught with fishing gear other than fixed gear.

(23) For any person on a vessel using fixed gear that is fishing for a CDQ group with an allocation of fixed gear sablefish CDQ, ~~For the operator of a vessel, discard sablefish harvested with fixed gear.~~

(24) ~~(26)~~ For the operator of a vessel, harvest halibut CDQ with other than fixed hook-and-line gear.

(25) ~~(27)~~ For a CDQ group, fail to ensure that all vessels and processors listed as eligible on the CDQ group's approved CDP comply with all regulations in this part while fishing for CDQ.

(26) ~~(28)~~ Fail to comply with the requirements of a CDP.

§ 679.23 Seasons

§ 679.23 Seasons.

(a) General. Fishing for groundfish in the GOA and BSAI is authorized from 0001 hours, A.l.t., January 1, through 2400 hours, A.l.t., December 31, subject to the other provisions of this part, except as provided in paragraph (c) of this section.

(b) Time of groundfish openings and closures. The time of all openings and closures of fishing seasons, other than the beginning and end of the calendar fishing year, is 1200 hours, A.l.t.

(c) GOA and BSAI trawl groundfish. Notwithstanding other provisions of this part, fishing for groundfish with trawl gear in the GOA and BSAI is prohibited from 0001 hours, A.l.t., January 1, through 1200 hours, A.l.t., January 20.

(d) GOA seasons

(1) Directed fishing for trawl rockfish. Directed fishing for rockfish with trawl gear is authorized from 1200 hours, A.l.t., on the first day of the third quarterly reporting period of a fishing year through 2400 hours, A.l.t., December 31, subject to other provisions of this part.

(2) Directed fishing for pollock. Subject to other provisions of this part, directed fishing for pollock in the Western and Central Regulatory Areas is authorized only during the three seasons:

- (i) From 0001 hours, A.l.t., January 1, through 1200 hours, A.l.t., April 1;
- (ii) From 1200 hours, A.l.t., June 1, through 1200 hours, A.l.t., July 1; and
- (iii) From 1200 hours, A.l.t., September 1, through 2400 hours, A.l.t., December 31.

(e) BSAI seasons

(1) Directed fishing for arrowtooth flounder and Greenland turbot. Directed fishing for arrowtooth flounder and Greenland turbot in the BSAI is authorized from 1200 hours, A.l.t., May 1, through 2400 hours, A.l.t., December 31, subject to the other provisions of this part.

(2) Directed fishing for pollock. (i) Subject to other provisions of this part, and except as provided in paragraphs (e) (2) (ii) and (e) (2) (iii) of this section, directed fishing for pollock is authorized from 0001 hours, A.l.t., January 1, through 1200 hours, A.l.t., April 15, and from 1200 hours A.l.t., September 1, through 1200 hours A.l.t., November 1, of each fishing year.

(ii) Applicable through December 31, 1998. (A) Subject to other provisions of this part and except as provided in paragraphs (e) (2) (ii) (B) and (e) (2) (ii) (C) of this section, directed fishing for pollock by the offshore component, defined at § 679.2 of this part, or by vessels delivering pollock to the offshore component, is authorized from 1200 hours A.l.t., January 26, through 1200 hours A.l.t., April 15.

(B) Directed fishing for pollock by the offshore component, or vessels delivering pollock to the offshore component is prohibited through 1200 hours, A.l.t., February 5, for those vessels that are used to fish prior to 1200 hours, A.l.t., January 26, for groundfish in the BSAI, groundfish in the GOA, as defined at § 679.2, or king or Tanner crab in the Bering Sea and Aleutian Islands Area, as defined at § 679.2.

(C) Neither paragraphs (e) (2) (ii) (B) nor (e) (2) (iii) of this section apply to vessels used to fish exclusively in a directed fishery for pollock prior to 1200 hours, A.l.t., January 26, or during the period that extends from 1200 hours, A.l.t., August 25, through 1200 hours A.l.t.,

§ 679.31 CDQ reserves

September 1, under the Western Alaska Community Development Quota program pursuant to subpart C and § 679.23(e)(2)(ii)(D) of this section.

(D) Directed fishing for pollock under the Western Alaska Community Development Quota program pursuant to subpart C of this part is authorized from 0001 hours A.l.t., January 1, through the end of the fishing year.

(iii) Directed fishing for pollock is prohibited during the second pollock season defined at paragraph (e)(2)(i) of this section through 1200 hours, A.l.t., September 8, for any vessel that is used to fish with trawl gear for groundfish in the BSAI or the GOA as defined at § 679.2 of this part, between 1200 hours A.l.t., August 25, and 1200 hours A.l.t., September 1.

(3) CDQ fishing seasons.

(i) Halibut CDQ. Fishing for CDQ halibut with fixed gear under an approved CDQ allocation may begin on the effective date of the allocation, except that CDQ fishing may occur only during the fishing periods specified in the annual management measures published in the Federal Register pursuant to § 300.62 of chapter III of this title.

(ii) Sablefish CDQ. Fishing for CDQ sablefish with fixed gear under an approved CDQ allocation may begin on the effective date of the allocation, except that it may occur only during the IFQ fishing season specified in paragraph (g)(1) of this section.

(iii) ~~(iv)~~ Groundfish CDQ. Fishing for groundfish CDQ species, other than fixed gear sablefish CDQ under subpart C of this part, is authorized from 0001 hours, A.l.t., January 1, through the end of each fishing year, except as provided in paragraph (c) of this section, and in 1998 when fishing for groundfish CDQ species other than fixed gear sablefish is authorized from 1200 hours, A.l.t., October 1, through the end of the fishing year.

§ 679.31 CDQ reserves. Portions of the CDQ and PSQ

reserves for each subarea or district may be allocated for the exclusive use of CDQ applicants in accordance with CDPs approved by the Governor in consultation with the Council and approved by NMFS. NMFS will allocate no more than 33 percent of the total CDQ for all subareas and districts combined to any one applicant with an approved CDP application.

~~(a) Pollock CDQ reserve (applicable through December 31, 1998). In the proposed and final harvest specifications required by § 679.20(c), one half of the pollock TAC placed in the reserve for each subarea or district of the BSAI will be apportioned to a CDQ reserve for each subarea or district. AMENDMENT 45~~

(b) Halibut CDQ reserve. (1) NMFS will annually withhold from IFQ allocation the proportions of the halibut catch limit that are specified in paragraph (b) of this section for use as a CDQ reserve.

(2) Portions of the CDQ for each specified IPHC regulatory area may be allocated for the exclusive use of an eligible Western Alaska community or group of communities in accordance with a CDP approved by the Governor in consultation with the Council and approved by NMFS.

(3) The proportions of the halibut catch limit annually withheld for the halibut CDQ program, exclusive of issued QS, and the eligible communities for which they shall be made available are as follows for each IPHC regulatory area:

(i) Area 4B. In IPHC regulatory area 4B, 20 percent of the annual halibut quota shall be made available to eligible communities physically located in, or proximate to, this regulatory area.

(ii) Area 4C. In IPHC regulatory area 4C, 50 percent of the halibut quota shall be made available to eligible communities physically located in IPHC regulatory area 4C.

(iii) Area 4D. In IPHC regulatory area 4D, 30 percent

§ 679.31 CDQ reserves

of the annual halibut quota shall be made available to eligible communities located in, or proximate to, IPHC regulatory areas 4D and 4E.

(iv) Area 4E. In IPHC regulatory area 4E, 100 percent of the halibut quota shall be made available to eligible communities located in, or proximate to, IPHC regulatory area 4E. A fishing trip limit of 6,000 lb (2.7 mt) applies to halibut CDQ harvesting in IPHC regulatory area 4E.

(4) For the purposes of this section, "proximate to" an IPHC regulatory area means within 10 nm from the point where the boundary of the IPHC regulatory area intersects land.

(c) Groundfish CDQ reserves. (See § 679.20(b)(1)(iii))

(d) Crab CDQ reserves. King and Tanner crab species in the Bering Sea and Aleutian Islands Area that have a guideline harvest level specified by the State of Alaska that is available for commercial harvest are apportioned to a crab CDQ reserve as follows:

(1) For calendar year 2000, and thereafter, 7.5 percent; and

(2) For calendar year 1999 (applicable through December 31, 1999),  
5 percent; and

~~(3) For calendar year 1998 (applicable through December 31, 1998), 3.5 percent.~~

(e) PSQ reserve. (See § 679.21(e)(1)(i) and (e)(2)(ii)).

(f) Reallocation of CDQ or PSQ reserves. If the Regional Administrator receives written notification from the State and a CDQ group that a specific amount of a CDQ or PSQ reserve will not be used during the remainder of a fishing year, the Regional Administrator may reallocate

this amount of the CDQ reserve back to the non-specified reserve established by §679.20(b)(1)(ii) and may reallocate any unused amount of a PSQ reserve back to non-CDQ fisheries that may be open to directed fishing for the remainder of the year in proportion to those fisheries' apportionment of PSC limits established by § 679.21.

~~(f) Reallocation of CDQ or PSQ reserves (Applicable through December 31, 1998). If the Regional Administrator determines that any amount of a CDQ or PSQ reserve will not be used during the remainder of the 1998 fishing year, the Regional Administrator may reallocate any unused amount of the CDQ reserve back to the non-specified reserve established by §679.20(b)(1)(ii) and may reallocate any unused amount of a PSQ reserve back to non-CDQ fisheries in proportion to those fisheries' 1998 apportionment of PSC limits established by § 679.21.~~

(g) Non-specific CDQ reserve. Annually, NMFS will apportion 15 percent of each squid, arrowtooth flounder, and "other species" CDQ for each CDQ group to a non-specific CDQ reserve. A CDQ group's non-specific CDQ reserve must be for the exclusive use of that CDQ group. A release from the non-specific CDQ reserve to the CDQ group's squid, arrowtooth flounder, or "other species" CDQ is a technical amendment as described in § 679.30(g)(5). The technical amendment must be approved before harvests relying on CDQ transferred from the non-specific CDQ reserve may be conducted.



§ 679.31 CDQ reserves

§ 679.32 Groundfish and halibut CDQ catch monitoring

~~§ 679.32 Groundfish and halibut CDQ catch monitoring.~~

~~(a) Applicability. (1) The CDQ group and the operator or manager of a buying station, the operator of a vessel, and the manager of a shoreside processor, and the registered buyer must comply with the requirements of paragraphs (b) through (d) of this section for all groundfish CDQ and PSQ caught while groundfish CDQ fishing as defined at § 679.2 and must comply with paragraph (e) of this section for halibut CDQ landings, with the exceptions listed in paragraphs (a)(2) and (a)(3) of this section. In addition, the CDQ group is responsible for ensuring that vessels and processors listed as eligible on the CDQ group's approved CDP comply with all requirements of this section while harvesting or processing CDQ species.~~

~~(2) Pollock CDQ fishing in 1998 (applicable through December 31, 1998). Regulations governing the catch of pollock CDQ while pollock CDQ fishing as defined in § 679.2 in 1998 are in paragraph (e) of this section. The catch of pollock by vessels that are not pollock CDQ fishing as defined in § 679.2 will not accrue against the pollock CDQ in 1998.~~

~~(3) Fixed gear sablefish and halibut CDQ fishing in 1998 (applicable through December 31, 1998). Regulations governing the catch of sablefish and halibut CDQ by vessels using fixed gear in 1998 are in paragraph (f) of this section.~~

..... (b) through (d) no changes.

~~(e) Pollock CDQ (applicable through December 31, 1998). (1) Applicability. The owner or operator of a vessel pollock CDQ fishing as defined at § 679.2 and the owner or operator of a processor taking deliveries from vessels pollock CDQ fishing must comply with the requirements of this paragraph (e).~~

~~(2) Catch of non-pollock. The catch of all non-pollock species for which a TAC or PSC limit is specified will accrue against the TACs and PSC limits for moratorium groundfish species. The owner or operator of a vessel that is pollock CDQ fishing and the owner or operator of a processor taking deliveries from vessels that are pollock CDQ fishing must comply with regulations governing maximum retainable bycatch amounts and prohibited species status in the moratorium groundfish fisheries at § 679.20(d)(1)(iii).~~

~~(3) Recordkeeping and reporting. The CDQ representative, the operator or manager of a buying station, the operator of a vessel, and the manager of a shoreside processor must submit all applicable reports in § 679.5, including the CDQ delivery report and the CDQ catch report. Catch from the pollock CDQ fisheries must be identified separately from catch in other CDQ fisheries on the CDQ catch report. Harvest of species other than pollock in the pollock CDQ fisheries must not be reported on the CDQ catch report.~~

~~(4) Observer coverage. Two observers are required on all catcher/processors and motherships harvesting, processing, or taking deliveries of pollock CDQ; one observer is required on all catcher vessels harvesting pollock CDQ; and one observer is required in a shoreside processing plant while pollock CDQ is being delivered, sorted, or processed.~~

~~(5) Estimation of the weight of pollock CDQ (i) Shoreside processors and buying stations. All pollock CDQ delivered to a shoreside processor or buying station must be weighed on a scale approved by the State of Alaska~~

§ 679.32 Groundfish and halibut CDQ catch monitoring

~~under § 679.28(c). The manager of each shoreside processor or buying station must notify the observer of the offloading schedule of each pollock CDQ delivery at least 1 hour prior to offloading to provide the observer an opportunity to monitor the weighing of the entire delivery.~~

~~(ii) Motherships and catcher/processors. Operators of motherships and catcher/processors must provide holding bins and comply with the operational requirements at § 679.28(e) in order for volumetric estimates of total catch weight to be made.~~

~~(f) Sablefish and halibut CDQ fisheries (applicable through December 31, 1998). (1) Applicability. The owner or operator of a vessel or processor harvesting or accepting deliveries of fixed gear sablefish or halibut CDQ in 1998 must comply with the requirements of this paragraph (f).~~

~~(2) Catch of other groundfish. All groundfish for which a TAC is specified and all prohibited species caught while fixed gear sablefish and halibut CDQ fishing will accrue against the TACs and PSC limits for moratorium groundfish species. Regulations governing maximum retainable bycatch amounts and prohibited species status in the moratorium groundfish fisheries at § 679.20(d)(1)(iii) must be complied with while fixed gear sablefish and halibut CDQ fishing.~~

~~(3) Permits. The managing organization responsible for carrying out an approved CDP must have a halibut and/or sablefish CDQ permit issued by the Regional Administrator. A copy of the halibut and/or sablefish CDQ permit must be~~

~~carried on any fishing vessel operated by, or for, the managing organization and be made available for inspection by an authorized officer. Such halibut and/or sablefish CDQ permit is non-transferable and is effective for the duration of the CDP or until revoked, suspended, or modified.~~

~~(4) CDQ cards. All individuals named on an approved CDP application must have a valid halibut and/or sablefish CDQ card issued by the Regional Administrator before landing any halibut and/or sablefish. Each halibut and/or sablefish CDQ card will identify a CDQ permit number and the individual authorized by the managing organization to land halibut and/or sablefish for debit against its CDQ allocation.~~

~~(5) Alteration. No person may alter, erase, or mutilate a halibut and/or sablefish CDQ permit, card, registered buyer permit, or any valid and current permit or document issued under this part. Any such permit, card, or document that has been intentionally altered, erased, or mutilated is invalid.~~

~~(6) Landings. Halibut and/or sablefish harvested pursuant to an approved CDP may be landed only by a person with a valid halibut and/or sablefish CDQ card, delivered only to a person with a valid registered buyer permit, and reported in compliance with § 679.5(1)(1) and (1)(2).~~

~~(7) Recordkeeping and reporting. Vessels and processors with Federal fisheries or processor permits under § 679.4(f) must report all catch of groundfish, including sablefish CDQ, and prohibited species from the fixed gear sablefish and halibut CDQ fisheries on logbooks and weekly production reports required under § 679.5.~~

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(e) Halibut CDQ--(1) Applicability. The owner or operator of a vessel harvesting halibut CDQ or a registered buyer must comply with the requirements of this paragraph (e).

(2) Accounting for halibut CDQ catch. The following requirements must be met by any vessel harvesting halibut CDQ, including vessels halibut CDQ fishing as defined at § 679.2 and vessels groundfish CDQ fishing as defined at § 679.2.

(i) Permits. The CDQ group must obtain a halibut CDQ permit issued by the Regional Administrator. A copy of the halibut CDQ permit must be carried on any fishing vessel operated by, or for, a CDQ group that will have halibut CDQ onboard and the permit must be made available for inspection by an authorized officer. The halibut CDQ permit is issued annually until revoked, suspended, or modified.

(ii) CDQ landing cards. All individuals must have a valid halibut CDQ landing card issued by the Regional Administrator before landing any halibut CDQ. Each halibut CDQ landing card will identify a CDQ permit number and the individual authorized by the CDQ group to land halibut for debit against the CDQ group's halibut CDQ.

(iii) Alteration. No person may alter, erase, mutilate, or forge a halibut CDQ permit, landing card, registered buyer permit, or any valid and current permit or document issued under this part. Any such permit, card, or document that has been intentionally altered, erased, mutilated, or forged is invalid.

(iv) Landings. Halibut harvested under an approved CDP may be landed only by a person with a valid halibut CDQ landing card, delivered only to a person with a valid registered buyer permit, and reported in compliance with § 679.5(i)(1) and (i)(2).

(v) The CDQ group, vessel operators, and registered buyers must comply with all of the IFQ prohibitions at § 679.7(f).

(3) Accounting for catch of groundfish CDQ while halibut CDQ fishing. All groundfish CDQ harvested or delivered while halibut CDQ fishing as defined at § 679.2 must be reported on a CDQ delivery report described at § 679.5(n)(1).

(4) Observer coverage requirements. Vessels halibut CDQ fishing as defined at § 679.2 or shoreside processors taking deliveries from vessels equal to or greater than 60 ft (18.29 m) LOA that are halibut CDQ fishing must comply with observer coverage requirements at § 679.50(c)(4) and (d)(4).

Subpart E--Groundfish Observer Program

§ 679.50 Groundfish Observer Program.

...

(c) Observer requirements for vessels.

...

(4) Groundfish and halibut CDQ fisheries. Except as provided for under § 679.32(e), the owner or operator of a vessel groundfish CDQ fishing or halibut CDQ fishing as defined at § 679.2 must comply with the following minimum observer coverage requirements each day that the vessel is used to harvest, transport, process, deliver, or take deliveries of CDQ or PSQ species. The time required for the CDQ observer to complete sampling, data recording, and data communication duties shall not exceed 12 hours in each 24-hour period and the CDQ observer is required to sample no more than 9 hours in each 24-hour period.

(i) Motherships or catcher/processors using trawl gear. A mothership or catcher/processor using trawl gear must have at least two CDQ observers as described at paragraphs (h)(1)(i)(D) and (E) of this section aboard the vessel, at least one of whom must be certified as a lead CDQ observer.

(ii) Catcher/processors using hook-and-line gear. A catcher/processor using hook-and-line gear must have at least two CDQ observers as described at paragraphs (h)(1)(i)(D) and (E) of this section aboard the vessel, unless NMFS approves a CDP authorizing the vessel to carry only one CDQ observer. At least one of the CDQ observers

§ 679.50 Groundfish Observer Program

must be certified as a lead CDQ observer. A CDP authorizing the vessel to carry only one lead CDQ observer may be approved by NMFS if the CDQ group supplies vessel logbook or observer data that demonstrates that one CDQ observer can sample each CDQ set for species composition in one 12-hour shift per fishing day. NMFS will not approve a CDP that would require the observer to divide a 12-hour shift into shifts of less than 6 hours.

(iii) Catcher/processors using pot gear. A catcher/processor using pot gear must have at least one lead CDQ observer as described at paragraph (h) (1) (i) (E) of this section aboard the vessel.

(iv) Catcher vessel. A catcher vessel equal to or greater than 60 ft (18.29 m) LOA, except a catcher vessel that delivers only unsorted codends to a processor or another vessel, must have at least one lead CDQ observer as described at paragraph (h) (1) (i) (E) of this section aboard the vessel.

(d) Observer requirements for shoreside processors. Observer coverage is required as follows. A shoreside processor that:

(1) Processes 1,000 mt or more in round-weight equivalent of groundfish during a calendar month is required to have an observer present at the facility each day it receives or processes groundfish during that month.

(2) Processes 500 mt to 1,000 mt in round-weight equivalent of groundfish during a calendar month is required to have an observer present at the facility at least 30 percent of the days it receives or processes groundfish during that month. [paragraphs (1) and (2) effective January 3, 1998]

(3) Offloads pollock at more than one location on the same dock and has distinct and separate equipment at each location to process those pollock and that receives pollock harvested by catcher vessels in the catcher vessel operational area during the second pollock season that starts on September 1, under §679.23(e) (2), is required to have an observer, in addition to the observer required under paragraphs (d) (1) and (2) of this section, at each location where pollock is offloaded, for each day of the second pollock season until the chum salmon savings area is closed under § 679.21(e) (7) (vi), or October 15, whichever occurs first.

(4) Groundfish CDQ fisheries. Each shoreside processor required to have a Federal processor permit under § 679.4(f) and taking deliveries of CDQ or PSQ from all vessels groundfish CDQ fishing as defined at § 679.2 or taking deliveries from vessels equal to or greater than 60 ft (18.29 m) LOA that are halibut CDQ fishing must have at least one lead CDQ observer as described at paragraph (h) (1) (i) (E) of this section present at all times while CDQ is being received or processed. The time required for the CDQ observer to complete sampling, data recording, and data communication duties shall not exceed 12 hours in each 24-hour period, and the CDQ observer is required to

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sample no more than 9 hours in each 24-hour period.



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

AGENDA C-4(a)  
OCTOBER 1998  
Supplemental

September 21,

RECEIVED  
SEP 28 1998  
N.P.F.M.C

Richard Lauber, Chairman  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Avenue, Suite 306  
Anchorage, Alaska 99501-2252

Dear Mr. Lauber:

On July 6, 1998, the National Marine Fisheries Service (NMFS) received recommendations from the State of Alaska for approval of the six Community Development Plans (CDPs) submitted by the Community Development Quota (CDQ) groups for the 1998-2000 multispecies (MS) groundfish and prohibited species quota (PSQ) allocations. NMFS has reviewed the record and determined that the recommendations are consistent with the CDQ program requirements set forth in subpart C of 50 CFR 679. Therefore, NMFS has (1) approved the State of Alaska's percentage allocation recommendations for all CDQ groups, and (2) approved the CDPs, with the exception of seven proposed vessels. NMFS is working with the CDQ groups to obtain additional required information about these seven vessels before they can be approved as eligible to participate in the MS groundfish CDQ fisheries.

Table 1 summarizes the percentage allocations of the multispecies groundfish CDQ and PSQ reserves for each CDQ group. These allocation recommendations are effective for 1998 through 2000 for all species groups except for arrowtooth flounder, squid, "other species," chinook salmon, and non-chinook salmon. Allocation recommendations for these five species groups are effective for 1998 only so that the State can make the 1999 and 2000 allocation recommendations with the pollock CDQ allocation recommendations in October 1998. A notice of this decision was published in the Federal Register on September 16, 1998 (63 FR 49501).

Sincerely,

Steven Pennoyer  
Administrator, Alaska Region



Table 1. State of Alaska Multispecies Groundfish and Prohibited Species Community Development Quota Allocations

Species or Species Group	APICDA	BBEDC	CBSFA	CVRF	NSEDC	YDFDA
<b>Allocations for 1998-2000</b>						
<b>Groundfish</b>						
BS Sablefish	16%	20%	10%	17%	18%	19%
AI Sablefish	16%	20%	10%	17%	18%	19%
Pacific Cod	16%	20%	10%	17%	18%	19%
WAI Atka Mackerel	20%	17%	10%	17%	16%	20%
CAI Atka Mackerel	20%	17%	10%	17%	16%	20%
EAI/BS Atka Mackerel	20%	17%	10%	17%	16%	20%
Yellowfin Sole	29%	25%	8%	5%	5%	28%
Rock Sole	10%	20%	10%	20%	20%	20%
BS Greenland Turbot	16%	25%	14%	1%	20%	24%
AI Greenland Turbot	18%	18%	5%	14%	26%	19%
Flathead Sole	20%	20%	10%	15%	15%	20%
Other Flatfish	20%	20%	10%	15%	15%	20%
BS Pacific Ocean Perch	20%	17%	10%	17%	16%	20%
WAI Pacific Ocean Perch	20%	17%	10%	17%	16%	20%
CAI Pacific Ocean Perch	20%	17%	10%	17%	16%	20%
EAI Pacific Ocean Perch	20%	17%	10%	17%	16%	20%
BS Other Red Rockfish	20%	17%	10%	17%	16%	20%
AI Sharpchin/Northern	20%	17%	10%	17%	16%	20%
AI Shortraker/Rougheye	17%	20%	9%	17%	18%	19%
BS Other Rockfish	16%	20%	8%	18%	19%	19%
BS Other Rockfish	16%	20%	8%	18%	19%	19%
<b>Prohibited Species</b>						
Zone 1 Red King Crab	19%	21%	9%	15%	15%	21%
Zone 1 Bairdi Tanner Crab	24%	25%	7%	9%	9%	26%
Zone 2 Bairdi Tanner Crab	24%	25%	7%	9%	9%	26%
Opilio Tanner Crab	26%	23%	9%	8%	8%	26%
Pacific Halibut	20%	22%	8%	13%	14%	23%
<b>Allocations for 1998 only</b>						
Arrowtooth Flounder	19%	21%	9%	15%	15%	21%
Squid	19%	18%	10%	17%	16%	20%
Other Species	19%	22%	9%	14%	14%	22%
Chinook Salmon	21%	21%	9%	13%	13%	23%
Non-chinook Salmon	23%	23%	8%	11%	11%	24%

Note: APICDA = Aleutian Pribilof Island Community Development Association  
BBEDC = Bristol Bay Economic Development Corporation  
CBSFA = Central Bering Sea Fishermen's Association  
NSEDC = Norton Sound Economic Development Corporation  
YDFDA = Yukon Delta Fisheries Development Association  
BS = Bering Sea  
AI = Aleutian Islands  
WAI = Western Aleutian Islands  
CAI = Central Aleutian Islands  
EAI = Eastern Aleutian Islands



writing that the material may be discarded.

(12) *Must-carry requests.* Noncommercial television stations requesting mandatory carriage on any cable system pursuant to § 76.56 of this chapter shall place a copy of such request in its public file and shall retain both the request and relevant correspondence for the duration of any period to which the request applies.

**Note (1) to paragraph (e):** For purposes of this section, a decision made with respect to an application tendered with the FCC becomes final when that decision is no longer subject to reconsideration, review, or appeal either at the FCC or in the courts.

**Note (2) to paragraph (e):** For purposes of this section, the term "all related material" includes all exhibits, letters, and other documents tendered for filing with the FCC as part of an application, report, or other document, all amendments to the application, report, or other document, copies of all documents incorporated therein by reference and not already maintained in the public inspection file, and all correspondence between the FCC and the applicant pertaining to the application, report, or other document, which according to the provisions of §§ 0.451 through 0.461 of the rules are open for public inspection at the offices of the FCC.

**§ 73.1202 [Removed]**

5. Section 73.1202 is removed.

[FR Doc. 98-24004 Filed 9-15-98; 8:45 am]

BILLING CODE 6712-01-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[I.D. 082798A]

**Fisheries of the Exclusive Economic Zone Off Alaska; Community Development Quota Program**

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

**ACTION:** Partial approval of the Community Development Plans for Multispecies Groundfish and Prohibited Species for the years 1998 through 2000.

**SUMMARY:** NMFS announces the partial approval of recommendations made by the State of Alaska (State) for the 1998 through 2000 multispecies groundfish and prohibited species Community Development Plans (CDPs) under the Western Alaska Community Development Quota (CDQ) Program. This action announces the decision by

NMFS to approve the State's recommended CDPs, including the percentage allocations of the multispecies groundfish CDQ reserves and prohibited species quota (PSQ) reserves to each CDP, with the exception of certain vessels listed in the CDPs that NMFS determined are ineligible for approval at this time. This action also announces the availability of findings underlying NMFS's decision. This action is intended to further the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act.

**DATES:** Partial approval of the CDPs is effective October 16, 1998.

**ADDRESSES:** Copies of the findings made by NMFS in partially approving the State's recommendations may be obtained from the Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel.

**FOR FURTHER INFORMATION CONTACT:** Sally Bibb, 907-586-7228.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Multispecies CDQ Program was developed by the North Pacific Fishery Management Council (Council) as Amendment 41 to the Fisheries Management Plan for the Bering Sea/Aleutian Islands Groundfish. Amendment 41 was approved by NMFS on September 12, 1997, and implemented under regulations at subpart C of 50 CFR part 679. Regulations establishing the groundfish CDQ reserves and PSQ reserves were published in the *Federal Register* on February 19, 1998 (63 FR 8356), and a final rule implementing the administrative and catch monitoring requirements for the multispecies (MS) CDQ Program was published in the *Federal Register* on June 4, 1998 (63 FR 30381).

Eligible western Alaska communities submitted six proposed CDPs to the State under § 679.30. The CDPs include requests for allocations of the available multispecies groundfish CDQ reserves and PSQ reserves established at § 679.31. The State conducted a public hearing on September 9, 1997, in Anchorage, Alaska, during which all interested persons had an opportunity to be heard. The hearing covered the substance and content of the proposed CDPs in such a manner that the general public, and particularly the affected parties, had a reasonable opportunity to understand the impact of each proposed CDP. The State made available for public review all State of Alaska materials pertinent to the hearing at the

time the hearing was announced. The public hearing held by the State satisfied the requirements of § 679.30(b).

The State consulted the Council concerning the proposed CDPs during the Council's September 1997 and April 1998 meetings. The Council reviewed copies of the CDP executive summaries, summary sheets, and the State's recommended allocations and concurred in the State's recommendations.

The State sent its recommendations for approval of the proposed CDPs to NMFS on July 6, 1998. The State's allocation recommendations are effective for 1998 through 2000 for all species groups allocated to the groundfish CDQ reserves and PSQ reserves, except arrowtooth flounder, squid, "other species", chinook salmon, and non-chinook salmon. Allocation recommendations for these five species groups are effective for 1998 only. Delaying the 1999 and 2000 allocation recommendations for these five species groups will allow the State to provide for bycatch needs for (1) the fixed gear sablefish CDQ fishery when it is integrated into the multispecies groundfish CDQ fisheries in 1999, and (2) the pollock CDQ fishery if Amendment 45 and its implementing regulations are approved by NMFS.

New regulations governing the MS CDQ fisheries promulgated by NMFS on June 4, 1998, require that a fishing plan for each vessel and processor proposed as eligible to participate in the MS groundfish CDQ be submitted in the CDP. NMFS has reviewed fishing plans for 39 catcher vessels, 24 catcher/processors, and five shoreside processing plants and determined that 38 catcher vessels, 13 catcher/processors, and five shoreside processing plants can be approved at this time as eligible for the MS CDQ fisheries. The remaining catcher vessel and 11 catcher/processors do not meet the requirements for eligibility because incomplete or incorrect information was provided in the proposed CDP. NMFS has notified the CDQ groups of the deficiencies in the fishing plans for these vessels and the specific information that must be provided before these vessels will be approved. Vessels not approved as eligible vessels with the CDP may be added later through an amendment to the CDP.

With the exception of the vessels mentioned above, NMFS has determined that the State's recommendations for approval of proposed CDPs are consistent with the community eligibility conditions and evaluation criteria and other applicable provisions of the Federal regulations

governing the CDQ Program. The allocations to each CDQ group are presented in the table below. NMFS's

findings regarding this decision also are available (see ADDRESSES). CDQ fishing for multispecies groundfish is

authorized under § 679.23 at 1200 hours, Alaska local time, October 1, 1998.

STATE OF ALASKA MULTISPECIES GROUND FISH AND PROHIBITED SPECIES COMMUNITY DEVELOPMENT QUOTA ALLOCATIONS

Species or species group	APICDA percent	BBEDC percent	CBSFA percent	CVRF percent	NSEDC percent	YDFDA percent
<b>Allocations for 1998-2000</b>						
<b>Groundfish:</b>						
BS Sablefish .....	16	20	10	17	18	19
AI Sablefish .....	16	20	10	17	18	19
Pacific Cod .....	16	20	10	17	18	19
WAI Atka Mackerel .....	20	17	10	17	16	20
CAI Atka Mackerel .....	20	17	10	17	16	20
EAI/BS Atka Mackerel .....	20	17	10	17	16	20
Yellowfin Sole .....	29	25	8	5	5	28
Rock Sole .....	10	20	10	20	20	20
BS Greenland Turbot .....	16	25	14	1	20	24
AI Greenland Turbot .....	18	18	5	14	26	19
Flathead Sole .....	20	20	10	15	15	20
Other Flatfish .....	20	20	10	15	15	20
BS Pacific Ocean Perch .....	20	17	10	17	16	20
WAI Pacific Ocean Perch .....	20	17	10	17	16	20
CAI Pacific Ocean Perch .....	20	17	10	17	16	20
EAI Pacific Ocean Perch .....	20	17	10	17	16	20
BS Other Red Rockfish .....	20	17	10	17	16	20
AI Sharpchin/Northern .....	20	17	10	17	16	20
AI Shortraker/Rougheye .....	17	20	9	17	18	19
BS Other Rockfish .....	16	20	8	18	19	19
BS Other Rockfish .....	16	20	8	18	19	19
<b>Prohibited Species:</b>						
Zone 1 Red King Crab .....	19	21	9	15	15	21
Zone 1 Bairdi Tanner Crab .....	24	25	7	9	9	26
Zone 2 Bairdi Tanner Crab .....	24	25	7	9	9	26
Opilio Tanner Crab .....	26	23	9	8	8	26
Pacific Halibut .....	20	22	8	13	14	23
<b>Allocations for 1998 only</b>						
Arrowtooth Flounder .....	19	21	9	15	15	21
Squid .....	19	18	10	17	16	20
Other Species .....	19	22	9	14	14	22
Chinook Salmon .....	21	21	9	13	13	23
Non-chinook Salmon .....	23	23	8	11	11	24

Note:  
 APICDA—Aleutian Pribilof Island Community Development Association.  
 BBEDC—Bristol Bay Economic Development Corporation.  
 CBSFA—Central Bering Sea Fishermen's Association.  
 NSEDC—Norton Sound Economic Development Corporation.  
 YDFDA—Yukon Delta Fisheries Development Association.  
 BS—Bering Sea.  
 AI—Aleutian Islands.  
 WAI—Western Aleutian Islands.  
 CAI—Central Aleutian Islands.  
 EAI—Eastern Aleutian Islands.

Dated: September 9, 1998.

Gary C. Matlock,  
 Director, Office of Sustainable Fisheries,  
 National Marine Fisheries Service.  
 [FR Doc. 98-24725 Filed 9-15-98; 8:45 am]  
 BILLING CODE 3510-22-P

# STATE OF ALASKA

## DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

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October 5, 1998

Richard Lauber  
Chairman  
North Pacific Fishery Management Council  
605 West 4th Ave. Suite 306  
Anchorage, AK 99501

Dear Mr. Chairman,

The State of Alaska received six Community Development Plan (CDP) applications for the pollock and associated bycatch CDQ allocations for 1999. This is the fourth pollock CDQ allocation since 1992 and is intended to be merged in with the Multi-Species program for implementation in 1999. The allocations are distributed to six regional organizations representing the 57 eligible communities bordering the Bering Sea.

Through the combined efforts of the six regional organizations, private industry partners, the State of Alaska Departments of Community and Regional Affairs, Fish and Game and Commerce and Economic Development, the National Marine Fisheries Service and the North Pacific Fishery Management Council, the success of CDQ program has exceeded all initial expectations.

Prior to the CDQ program, virtually none of the value of the Bering Sea groundfish resource was captured by CDQ eligible communities in western Alaska. Since its inception in 1992, the CDQ program has earned over \$130 million in CDQ revenues for the development of the western Alaska economy including over 1,000 jobs and over 900 training opportunities annually. The CDQ program has led to over \$30 million in wages to families of this region as well as \$4.5 million in education and training expenditures. The individual groups have invested in dozens of seafood industry infrastructure projects and fishing and processing investments including 27 subsidiary ventures with over \$64 million in assets and an annual gross revenue to the program of \$25 million.

Benefits of the CDQ program have gone beyond the recipient communities in western Alaska. Industry partners have also benefited with increased access to the resource outside the open access fishery which enables them to maximize the value of their operations. CDQ group joint venture investments have provided an infusion of needed

capital into existing North Pacific fishing and processing operations. CDQ infrastructure investments totaling over \$ 5.5 million in harbor and dock construction and improvements potentially benefit all participants in the Bering Sea fishing industry.

The CDQ program is truly a "grass roots" development program. The CDQ communities, through their representation on the Board of Directors, design CDPs that will enable them to become successful participants in the North Pacific fishing industry and to improve social and economic conditions specific to their region.

It is the responsibility of the State of Alaska CDQ Team to provide both assistance and oversight of the program to ensure that the CDQ is effectively utilized and maximizes benefits to the residents of the region. The state carries out this responsibility in its review of CDP applications, quarterly and annual reports, and independent financial and management audits.

The state has reviewed six CDP pollock applications from the following regional organizations: Aleutian Pribilof Island Development Association (APICDA), Bristol Bay Economic Development Corporation (BBEDC), Central Bering Sea Fishermen's Association (CBSFA), Coastal Villages Region Fund (CVRF), Norton Sound Economic Development Corporation (NSEDC) and Yukon Delta Fisheries Development Association (YDFDA).

When making CDQ allocation recommendations, many factors are weighed by the State. This evaluation is based on criteria set out in state and federal regulations along with input from a public hearing, private interviews with CDQ groups and their harvesting and processing partners and investigation into the accuracy of the information provided in the applications. Some of the most important criteria employed by the state in evaluating individual CDP applications include: 1) the number and population of eligible communities represented in each group; 2) the level of income, unemployment and other indicators of social and economic well being that demonstrate the need of the allocation; 3) the merits of the proposed investment, employment, education and training programs; 4) the qualifications of the management organization to effectively manage the quota; 5) the contractual relationships between the applicant and the harvesting and processing partners; 6) the degree of success as measured by performance of the management organization; and 7) the ability of the Board of Directors to effectively maximize the benefits of the program to the region. Additional criteria has been included as an attachment to this letter.

Following careful analysis of the six CDP applications during an allocation process that began with submission of applications in August, the state has completed its review process. Given the possible implications of Senate Bill 1221, the State will make the pollock allocation recommendations for 1999 only. Assuming SB 1221 becomes law, after careful review and analysis of the effects this bill has on the CDQ program, the state may choose to reallocate pollock and multi-species quota for 2000. Along with

the pollock, the state is allocating squid, arrowtooth, other species, chinook salmon(PSQ) and other salmon(PSQ). The percentages of bycatch species are derived by a model. Attached is a complete list of the CDQ program species allocations for 1999.

The 1999 pollock and associated bycatch allocations are as follows:

CDQ Groups	Pollock	Squid	Arrowtooth	Other Species	PSQ Chinook Salmon	PSQ Other Salmon
APICDA	16%	16%	18%	19%	16%	16%
BBEDC	21%	21%	21%	22%	21%	21%
CBSFA	5%	5%	9%	9%	5%	5%
CVRF	22%	22%	16%	14%	22%	22%
NSEDC	22%	22%	16%	15%	22%	22%
YDFDA	14%	14%	20%	21%	14%	14%

The State would like to take this opportunity to thank the NPFMC for its continued support of the CDQ program. We hope that our continued oversight of the program will maximize the benefits to the CDQ regions and all participants in the North Pacific fishing industry.

Sincerely,



Mike Irwin  
Commissioner

#### Attachments

cc: NPFMC Council Members  
Clarence Pautzke, Executive Director, NPFMC  
Commissioner Deborah Sedwick, DCED  
Commissioner Frank Rue, AKF&G  
CDQ Groups  
CDQ Team

STATE OF ALASKA 1999 MULTI-SPECIES QUOTA ALLOCATION RECOMMENDATIONS  
 Includes pollock and associated bycatch species for 1999.

	APICDA Allocations	BBEDC Allocations	CBSFA Allocations	CVRF Allocations	NSEDC Allocations	YDFDA Allocations	TOTAL
<b>Halibut</b>							
4B	100%	0%	0%	0%	0%	0%	100%
4C	10%	0%	90%	0%	0%	0%	100%
4D	0%	23%	0%	24%	26%	27%	100%
4E	0%	30%	0%	70%	0%	0%	100%
<b>Crab</b>							
Bristol Bay Red King	20%	20%	0%	20%	20%	20%	100%
Norton Sound Red King	0%	0%	0%	0%	50%	50%	100%
Pribilof Red & Blue King	0%	0%	100%	0%	0%	0%	100%
St. Matthew Blue King	50%	12%	0%	12%	14%	12%	100%
Bering Sea C. Opilio Tanner	10%	19%	19%	17%	18%	17%	100%
Bering Sea C. Bairdi Tanner	10%	19%	19%	17%	18%	17%	100%
<b>Sablefish &amp; Turbot</b>							
Sablefish, Hook & Line - AI	15%	20%	0%	30%	20%	15%	100%
Turbot - AI	18%	18%	5%	14%	26%	19%	100%
Sablefish, Hook & Line - BS	15%	22%	18%	0%	20%	25%	100%
Turbot - BS	16%	25%	14%	1%	20%	24%	100%
Pacific Cod	16%	20%	10%	17%	18%	19%	100%
<b>Pollock</b>							
Bering Sea / AI / Bogoslof	16%	21%	5%	22%	22%	14%	100%
<b>Atka mackerel:</b>							
Eastern	20%	17%	10%	17%	16%	20%	100%
Central	20%	17%	10%	17%	16%	20%	100%
Western	20%	17%	10%	17%	16%	20%	100%
<b>Yellowfin sole</b>	29%	25%	8%	5%	5%	28%	100%
<b>Flatfish:</b>							
Other Flats	20%	20%	10%	15%	15%	20%	100%
Rocksole	10%	20%	10%	20%	20%	20%	100%
Flathead	20%	20%	10%	15%	15%	20%	100%
Squid	16%	21%	5%	22%	22%	14%	100%
Other Species	19%	22%	9%	14%	15%	21%	100%
<b>Other Rockfish</b>							
O. Rockfish - BS	16%	20%	8%	18%	19%	19%	100%
O. Rockfish - AI	16%	20%	8%	18%	19%	19%	100%
Arrowtooth	18%	21%	9%	16%	16%	20%	100%
<b>Pacific Ocean Perch Complex</b>							
True POP - BS	20%	17%	10%	17%	16%	20%	100%
Other POP - BS	20%	17%	10%	17%	16%	20%	100%
<b>True POP - AI:</b>							
Eastern	20%	17%	10%	17%	16%	20%	100%
Central	20%	17%	10%	17%	16%	20%	100%
Western	20%	17%	10%	17%	16%	20%	100%
Sharp/Northern - AI	20%	17%	10%	17%	16%	20%	100%
Short/Roughye - AI	17%	20%	9%	17%	18%	19%	100%
Sablefish, Trawl - AI	16%	20%	10%	17%	18%	19%	100%
Sablefish, Trawl - BS	16%	20%	10%	17%	18%	19%	100%
<b>Prohibited Species Quota</b>							
Halibut (mit)	20%	22%	8%	13%	14%	23%	100%
Chinook salmon (#)	16%	21%	5%	22%	22%	14%	100%
Other salmon (#)	16%	21%	5%	22%	22%	14%	100%
Opilio (#)	26%	23%	9%	8%	8%	26%	100%
C. Bairdi - Zone 1 (#)	24%	25%	7%	9%	9%	26%	100%
C. Bairdi - Zone 2 (#)	24%	25%	7%	9%	9%	26%	100%
Red King Crab (#)	19%	21%	9%	15%	15%	21%	100%

APPLICATION PACKET INSTRUCTIONS - REVISED (6/22/98)

CDP Multi-Species: Pollock Application Format

<b>CDP APPLICATION FORMAT</b>	
<b>I. Executive Summary</b>	
A. Name of Applicant	
B. Table of total CDQ and PSQ allocation request in % (PSQ request for 2 <sup>nd</sup> tier only)	
C. Communities represented within the application	
D. Description of the managing organization	
E. Goals/objectives and milestones of the CDP	
F. Description of the CDP projects in the proposed CDP	
G. Management strategy to accomplish CDP projects	
H. Description of the target fisheries	
I. Harvesting & processing partner information	
J. Benefits to the region	
K. Level of local participation	
L. Other	
<b>INTRODUCTION</b>	
<i>Part One. Community Development Plan Application Information</i>	
<b>I. Demographic Information</b>	
A. Availability of work force from communities	
B. Number and percentage of low income persons residing in each participating communities	
C. Current fisheries infrastructure in the region, including:	
1. Barriers to entry into existing fishing industry	
D. Other demographic information which may assist in the evaluation of the application	
<b>II. Community Information</b>	
A. List of eligible communities	
B. Letter of support by governing body of a community for the CDQ group and managing organization (if managing organization is not the applicant)	
C. How the CDP would use or enhance existing:	
1. Harvesting capabilities	
2. Processing capabilities	
3. Support facilities	
4. Human resources	
D. Other community information which may assist in the evaluation of the application	
<b>III. Benefits to the Region</b>	

**CDP Multi-Species: Pollock Application Format**

A. Goals of the CDP
B. Economic opportunities provided through employment from CDQ projects
C. How the CDP will generate new capital and/or equity for fish or processing opportunities
D. Efforts taken to include residents from non CDQ regions (where appropriate)
E. Stimulation on Alaska's economy in both CDQ and non-CDQ communities
F. Cooperative efforts with other CDQ groups (where appropriate)
G. Other information which may assist in the evaluation of the application
<b>IV. CDQ Organization Information</b>
A. Provide evidence that applicants are qualified as required under 50 CFR 679.2 or Table 7 of CFR 50 679
B. Managing Organization Qualifications
1. Description of management structure
2. How management is qualified to:
a) Carry out CDP projects
b) Manage the harvest of CDQ allocations while preventing CDQ & PSQ overages
3. List of key personnel, including contract personnel with:
a) Resume with name, address, references, phone and fax number, and contract information (if applicable)
4. Legal relationship between CDQ group and managing organization (if different)
a) Contracts or other binding agreements
5. List of Board of Directors, including:
a) Name, community, address, phone number, commercial or subsistence fishermen status
b) Letter of support or election results from communities
6. How management's past performance has improved your regions:
a) employment levels
b) training, educational and human resource advancement
c) social and economic wealth
d) ability to compete in the Bering Sea fishing industry
C. Business Information
1. Organization chart of all divisions, subsidiaries, joint ventures, and partnerships, listing (if applicable):
a) legal structure, state of registration, and percentage of ownership
b) legal documents regarding the relationships within the chart
2. Investment policies for the following items:
a) Capital projects/business investments
b) Infrastructure projects
c) Loans
d) Fund/cash management
e) Other





**APPLICATION PACKET INSTRUCTIONS - REVISED (6/22/98)**

**CDP Multi-Species: Pollock Application Format**

<b>A. Community Development Project</b>
1. For each project provide:
a) Description of project
b) Short and long term benefits
c) Project Schedule
d) Measurable milestones to determine progress, with date(s)
e) Description of all funding plans
<b>B. Employment</b>
1. Type of work and career advancement
2. Employment Milestones
a) Number of individuals to be employed with date(s)
<b>C. Training</b>
1. Type of training for career advancement
2. Training Milestones
a) Number to be trained with date(s)
b) Expected training expenditures
<b>D. Comprehensive Milestone Table</b>
<b>II. Budgets</b>
<b>A. General budget for entire CDP period by year, including:</b>
1. Income from all CDQs and CDP projects
2. Expenditures for all projects and administration
<b>B. Detailed current year annual budgets listing:</b>
1. Income from all CDQs and CDP projects
2. Expenditures for all projects
3. Administrative expenses - detailed with administrative expenses by project

APPLICATION PACKET INSTRUCTIONS - REVISED (6/22/98)

**CDP Multi-Species: Pollock Application Format**

<b>I. Fish Plan</b>
A. Table of total CDQ and PSQ allocation request in % (PSQ request for 2nd tier only)
B. Table of necessary CDQ target and bycatch quota, and PSQ quota requests by target fishery in %
C. For each target fishery, provide:
1. Fishing Plan for Motherships and Catcher/Processors Using Trawl Gear
2. Fishing Plan for Catcher/Processors Using Non-Trawl Gear
3. Fishing Plan for Catcher Vessels 60 feet LOA or Greater Using Trawl Gear Except Vessels Delivering Only Unsorted Codends to Another Vessels
4. Fishing Plan for Catcher Vessels 60 feet LOA or Greater Using Non-Trawl Gear
5. Fishing Plan for Catcher Vessels Less than 60 feet LOA Using Any Gear and Catcher Vessels of any Length Delivering Only Unsorted Codends to Another Vessels
6. Fishing Plan for Shoreside Processors Taking Deliveries from Catcher Vessels Groundfish CDQ Fishing
D. For each crab target fishery, provide:
1. CDQ organization contact, including:
a) name, address, phone and fax numbers
2. Plan to prevent overages
3. A description of the target fishery
a) Proposed fishing periods (be specific on start and stop days)
b) Gear storage plans
c) Number of pots
d) Tank inspections
e) Any other pertinent information
4. Vessel information:
a) Harvesting partner, including contact name, address, phone and fax
b) Vessel name
c) Federal permit number
d) ADF&G vessel number
e) Length
f) Vessel type
g) Will vessel also fish in the main License Limitation fishery
h) CFEC card number (when known)
i) USCG safety approval
j) MCI or equivalent MARSAT communication capability
k) Vessel diagram showing:
(1) Location of observer accommodations, including sleeping and work areas


**APPLICATION PACKET INSTRUCTIONS - REVISED (6/22/98)**


**CDP Multi-Species: Pollock Application Format**

(2)	Weighing station
(3)	Observer sampling station
5.	Shoreside processor/Buying station information
(1)	Processing partner, including contact name, address, phone and fax
(2)	Proposed delivery site
(3)	Other information as required

# CDQ Pollock - Multi-Species Program CDP Application Timeline

1998

 = Deadline date

 = Period of Activity

June

July

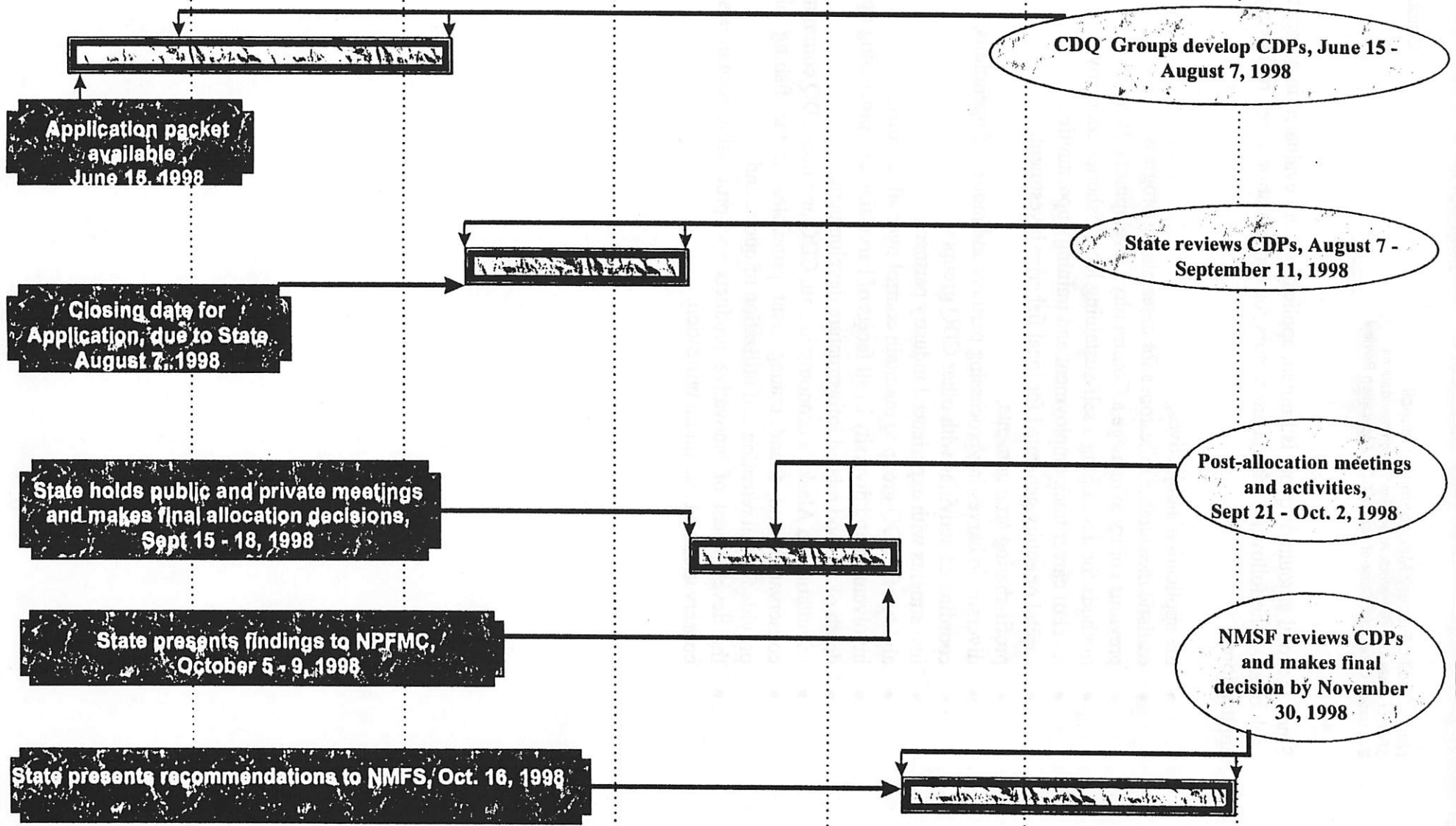
Aug

Sept

Oct

Nov

Dec



Since the total amount of quota is limited, applications are evaluated in competition with each other. The following criteria are factors for consideration when reviewing the CDP applications.

- the application's objectives,
- realistic measurable milestones for determining progress,
- previous ability to manage a Community Development Plan,
- methods for developing a self-sustaining local fisheries economy,
- level of career track employment and training opportunities,
- capital or equity generated for local fisheries investment,
- profit-sharing arrangements,
- diversity in harvesting/processing partners and modes of operations,
- coordinated activities with other CDQ group(s),
- investments with experienced industry partners,
- ability of a CDQ group to maintain control over allocations,
- involvement and diversity in all facets of harvesting and processing operations,
- depth of seafood related infrastructure development,
- stimulation on Alaska's economy in both CDQ and non-CDQ communities,
- conservative and sound management principles in the fishing plan which provide for full retention and utilization of quota, and
- the development of innovative products and processing techniques aimed at conservation and maximum utilization.

# CDQ DATA BY GROUP

## 1999 Pollock CDQ Allocation Recommendations

Applicant Group	APICDA	BBEDC	CBSFA	CVRP	NSEDC	YDFDA
State of Alaska 1999 Recommendations	16%	21%	5%	22%	22%	14%
Allocation Requested	18%	22%	15%	27%	33%	17%
1996-98 Allocation	16%	20%	4%	25%	22%	13%
1994-95 Allocation	18%	20%	8%	27%	20%	7%
1992-93 Allocation	18%	20%	10%	27%	20%	5%
Number of Communities	6	14	1	17	15	4
# Community Residents	546	5,339	739	6,693	8,974	2,104
Business Partner	Trident/Starbound	Arctic Storm	American Seafoods	Tyson Seafoods/ Westward Seafoods	Glacier Fish Company	Golden Alaska Fisheries
Managing Organization	Board	Board	Board	Board	Board	Board
Projects for 1998-2000	<p>Akutan Boat harbor</p> <p>Akutan Cod processing plant</p> <p>Akutan shoreside flatfish operation</p> <p>Atka storage operations</p> <p>Atka fisheries related projects</p> <p>Atka Fishing</p> <p>APS value added for halibut, sablefish &amp; P.Cod</p> <p>False Pass processing plant</p> <p>False Pass small boat harbor</p> <p>Nelson Lagoon processing plant</p> <p>St. George - find Tract I tenants</p> <p>St. George - use SVAP to buy vessels</p> <p>St. George processing center</p> <p>St. George gear and vessel upgrade program</p> <p>St. George fishing</p> <p>Vessel Acquisition Program</p> <p>Real Time Data Acquisition</p> <p>School grants</p> <p>Purchase quota shares</p> <p>Quota Share Loan Guarantee program</p> <p>Product Diversification Program</p> <p>Scholarships</p>	<p>Outreach to region &amp; public</p> <p>Regional Business Development Fund</p> <p>Research investment options</p> <p>Crab vessel #3</p> <p>Pollock Catcher vessel</p> <p>Factory trawl</p> <p>Cold Storage / reprocessors</p> <p>Small longliner</p> <p>H&amp;G Trawl C/P</p> <p>IFQs: Sablefish/Halibut</p> <p>Fish Broker</p> <p>Food Distribution</p> <p>HRS scholarship Project</p> <p>Regional Fisheries Development Project</p> <p>Investigate value added and under utilized species</p> <p>Resource surveys in Bristol Bay</p> <p>Regional Technical Assistance</p> <p>Infrastructure Development</p> <p>Regional Infrastructure Development Project</p> <p>Regional Business Development Project</p> <p>Employment &amp; Training</p> <p>Manage 4E halibut fishery</p> <p>Permit Brokerage service</p>	<p>Investments options</p> <p>Market opilio</p> <p>Crabber</p> <p>Freezer/longliner</p> <p>Factory Trawl</p> <p>Investigate sea urchins</p> <p>Utilize local fleet to catch cod</p> <p>Local boats to catch hair crab</p> <p>Local vessels in halibut fishery</p> <p>Real time/data tracking</p> <p>Increase Alaskan employment</p> <p>Outreach program</p> <p>Job fair</p> <p>Internships</p> <p>Employment</p> <p>Maintain local fleet facilities</p> <p>Develop local vessel repair facility</p> <p>Administer loan funds</p> <p>Fishermen's skill workshop on St. Paul</p> <p>Facilitate Jr. Achievement program on St. Paul</p> <p>Construct small boat harbor</p> <p>Substance abuse program</p>	<p>4-SITE</p> <p>Media outreach</p> <p>Quarterly newsletters</p> <p>Develop a regional talent/skill bank database</p> <p>Continuation of Employment, training programs with new companies</p> <p>Investigate investments</p> <p>Kuskokwim River salmon buying &amp; processing plant</p> <p>Technical assistance to herring fishermen &amp; halibut buying stations</p> <p>Joint ventures with region's herring fisheries</p> <p>Quinhagak salmon plant</p> <p>IFQ Assistance</p> <p>Seafood related business loans</p> <p>Tax &amp; Permit Assistance Program</p> <p>Manage boats</p> <p>CVRP Development Plan</p>	<p>Funding for Equity Interest</p> <p>Vessel purchases</p> <p>Freezer longliner</p> <p>H&amp;G Trawl</p> <p>Crabber</p> <p>Employment &amp; Training</p> <p>Scholarships</p> <p>Outreach activities</p> <p>Internships</p> <p>Education Endowment</p> <p>IFQ purchases</p> <p>Fisheries Development Program</p> <p>Salmon Rehabilitation &amp; Enhancement Project</p> <p>Shoreside Infrastructure Improvements</p> <p>CDQ Fees</p> <p>NSSP</p> <p>Small Business Development and Assistance</p> <p>Cooperative Seafood Marketing</p> <p>Norton Sound Vessel Management</p> <p>GFC</p>	<p>Vocational, Educational &amp; Rehabilitative Training Program</p> <p>Internships</p> <p>Scholarships</p> <p>Employment</p> <p>Salmon, Herring Permit Buy-Back &amp; ITQ Purchase Program</p> <p>Training Subsidy</p> <p>Continued Development of Shoreside Processing Operations</p> <p>Kotlik Buying Station,</p> <p>Sheldon Point Saltery</p> <p>Exploratory Fisheries</p> <p>Joint Ventures in Offshore Vessels</p> <p>Mothership</p> <p>Longliner</p> <p>H&amp;G vessel</p> <p>Cold Storage Facility in Unalaska</p> <p>Support Development of Small Business Fisheries Infrastructure</p> <p>Establish a Reserve</p>