

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke  
Executive Director

DATE: December 1, 1993

SUBJECT: Observer Program

ESTIMATED TIME

1 HOUR

**ACTION REQUIRED**

- (a) Receive status report on North Pacific Fisheries Research Plan and review NMFS fee collection plan. Consider NMFS-proposed changes to plan.
- (b) Comment on regulatory adjustments for 1994.

**BACKGROUND**

(a) Research Plan

It looks like the Research Plan is nearing the point of being submitted to the Secretary of Commerce for review, likely near the first of the year. This has been an extremely difficult rulemaking, largely because of the paperwork requirements and fee collection process which will take place under the Research Plan. Item C-2(a)(1) in your notebooks is a letter to the Council from NMFS which outlines the current implementation schedule and summarizes the fee collection process which NMFS proposes to implement the program. It is a little different from what the Council envisioned when it passed the Plan last year, but promises to be the most workable, least burdensome, process possible. In a nutshell, this approach will do away with the bonding or letter of credit to ensure payment of fees. Instead, NMFS will bill operators for their fee liabilities bimonthly. Compliance will be facilitated through a biannual permitting process by NMFS whereby those in arrears will not have their fishing permits renewed. It should be noted that the extent of nonpayment in one year could affect determination of the fee percentage in the following year.

Because of these changes in the Plan, NMFS is requesting that the Council formally endorse this course of action, through a Council vote if necessary. Because these changes will affect the Plan Amendment language, the Council would be formally endorsing that as well. This language is attached to the letter from NMFS. NMFS is also recommending that the Council include in its approval a deletion of the three-year sunset clause attached to the Research Plan. This sunset clause was included due to Council concern over the fee percentage (it was increased to up to 2% of exvessel value) and so that they would have the opportunity to reevaluate that percentage after three years. Practically, the Council will be evaluating the fee percentage each year anyway. Furthermore, by deleting the sunset clause, this would not preclude the Council from reevaluating the fee cap via plan amendment at any time. If the sunset clause remains in the Plan, the Council would have to

initiate an amendment to change the Plan, likely before we have had a chance to evaluate the program's effectiveness.

If the Proposed Rule is published early in 1994, the Council and industry should look forward to public hearings in March/April on the Proposed Rule. There is to be at least one public hearing in each of the states of Washington, Oregon, and Alaska. The first twelve months of the program will be a start-up period, during which the current Observer Plan provisions will remain in effect. Those required to carry observers under existing requirements will be required to pay directly for that coverage. Others will pay the fee percentage, to be proposed by NMFS and endorsed by the Council at the June 1994 meeting. This 12-month start-up period would be in 1995, with full implementation of the Research Plan in 1996.

Item C-2(a)(2) contains the original plan as adopted in June 1992.

(b) Changes to 1994 Observer Plan

In December of 1992 the Council approved several changes to the existing Observer Plan which will be implemented for the 1994 fishing year. These changes are summarized below:

1. Base observer coverage requirements on fishing days, as opposed to fishing trip days, and define fishing day as any day in which groundfish are retained.
2. Change the way in which 30% coverage vessels (60' to 125') must meet their quarterly coverage requirements; these vessels will be required to carry an observer 30% of their days during fishing trips in each calendar quarter in which they fish more than three days in the groundfish fishery. Additionally, each vessel must carry an observer during at least one fishing trip for each target fishery in which the vessel participates. Some of the target categories have been aggregated to ease the logistical burdens of this requirement.
3. Longline vessels in the 30% coverage category which fish in the Eastern Gulf of Alaska must carry an observer during at least one fishing trip in the Eastern Gulf.
4. Modified observer coverage requirements for pot vessels so that 30% coverage requirements apply to all vessels 60' and greater.
5. Revised conflict of interest standards for observers and observer contractors.

The comment period on this Proposed Rule (item C-2(b)(1)) ended on November 29.

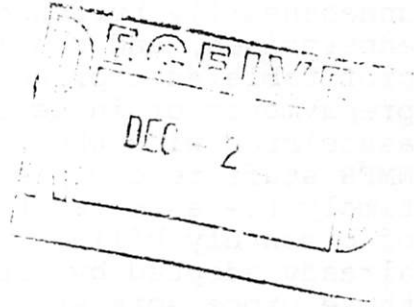
Regarding Council action from this past September, NMFS intends to implement the Council's recommendation for 100% observer coverage in Area 517 (during directed cod fisheries) via in-season management authority. This will be done through a Notice and Comment process and should be effective sometime in early 1994.



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

AGENDA C-2(a)(1)  
DECEMBER 1993

November 24, 1993



Mr. Richard B. Lauber  
Chairman  
North Pacific Fishery Management Council  
P.O. Box 103136  
Anchorage, Alaska 99510

Dear Rick,

During the preparation of implementing regulations for the North Pacific Fishery Research Plan (Research Plan) for Secretarial review, NMFS staff have made certain changes to the Research Plan as adopted by the Council on June 28, 1992. Most of these changes are minor and reflect an implementation strategy that is intended to achieve the Council's objectives with a minimum of burden. I request that the Council vote on these as action items at the December meeting. The changes are: (1) Guarantees of fee payments would not be required; (2) bimonthly rather than quarterly payments; and (3) semi-annual rather than annual processor permits. Because FMP text pertaining to observer programs for the two groundfish plans and for the crab plan must also be amended, I am requesting the Council approve attached amendment text for these plans (Attachment 1).

Specific revisions are underlined and would read as follows:

G. Fee Collection

2. Fee payments will be made bimonthly within 30 days from the date of issuance of each bimonthly bill to the NOAA Office of the Comptroller to be deposited in the North Pacific Observer Fund within the U.S. Treasury. The fee will be documented in a manner prescribed by NMFS.
3. All processors as defined under Item G(1) may be required to have a federal permit to receive fish from plan fisheries. Processors must apply for these permits semi-annually by the deadline prescribed by the Regional Director. Permits would be issued semi-annually on January 1 and July 1 to those processors whose fee payments are current. The NOAA Office of the Comptroller shall assess late charges for underpayment or late payments of fees.

The following paragraph under G.3, describing guarantees of payments, would be deleted.

In order to cover anticipated fee liabilities...Prepayment of fees by a processor would remain an option to the bonding process.



Based on discussions with financial institutions and individuals having experience with similar programs, NMFS staff concluded that requirement of payment guarantees is premature and could be unnecessarily burdensome to the industry, particularly to smaller enterprises, and costly to administer. Small or marginally profitable enterprises could have difficulty in making prepayments or in securing such guarantees, and the costs associated with their acquisition are not recoverable. Instead, NMFS staff recommends a simplified system to strongly encourage timely fee assessment payments by processors that would consist of bimonthly billing and semi-annual processor permitting. As already adopted by the Council, permits would be issued to only those processors whose fee payments are current. In addition, prohibitions against processing landings from Research Plan fisheries without a valid permit or delivery of landings from Research Plan fisheries to a processor not possessing a valid processing permit have been added to ensure timely fee payments. The extent of nonpayment of fee assessments, which is inherent in any fee collection system, would be taken into account in determining the fee percentage rate for the following year.

This system has the advantage of greatly simplified reporting and recordkeeping requirements for processors and reduced administrative costs for NMFS. Only one form would be required of processors, and they would no longer be required to estimate their fee liability. Bills would be calculated by NMFS based on actual data already provided to NMFS (or ADF&G for crab and IPHC for halibut) by processors.

We are proceeding with submission of the proposed rule package for Secretarial review early in January 1994 and anticipate public hearings occurring in March 1994. A schedule of implementation dates is attached (Attachment 2).

In summary, these proposed changes to the Research Plan reflect a feasible, streamlined strategy necessary for implementation, concurrent with a reduced burden to industry. We will be available to discuss these changes with the Council during its December meeting.

Sincerely,



Steven Pennoyer  
Director, Alaska Region

Attachments

cc: Bill Karp, Observer Program  
Chris Oliver, NPFMC

## ATTACHMENT 1

## DRAFT

AMENDMENT 30 TO THE FISHERY MANAGEMENT PLAN FOR GROUND FISH OF THE  
GULF OF ALASKAAMENDMENT 27 TO THE FISHERY MANAGEMENT PLAN FOR GROUND FISH OF THE  
BERING SEA AND ALEUTIAN ISLANDS AREAAMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR THE COMMERCIAL  
KING AND TANNER CRAB FISHERIES OF THE BERING SEA AND ALEUTIAN  
ISLANDS AREA

These amendments implement language changes to the Fishery Management Plans (FMPs) to indicate that observer requirements under the FMPs are contained in the North Pacific Fisheries Research Plan.

1. Amendment 30 to the Fishery Management Plan for Groundfish of the Gulf of Alaska

## Chapter 4

On page 4-25, 4.3.4.1 Observers, combine the first and second paragraphs, and add the following new paragraph:

On [insert approval date of Research Plan] the Secretary approved the North Pacific Fisheries Research Plan, which was developed by the North Pacific Fishery Management Council to promote management, conservation, and scientific understanding of groundfish, halibut, and crab resources off Alaska. The existing Observer Plan will remain in place during the first year of the Research Plan only.

2. Amendment 27 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Area

## Chapter 14

On page 14-15, 14.4.6 Domestic Observer Program, add the following new paragraph:

On [insert approval date of Research Plan] the Secretary approved the North Pacific Fisheries Research Plan, which was developed by the North Pacific Fishery Management Council to promote management, conservation, and scientific understanding of groundfish, halibut, and crab resources off Alaska. The existing Observer Plan will remain in place

during the first year of the Research Plan only.

3. Amendment 3 to the Fishery Management Plan for the Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands Area

Chapter 8

On page 8-4, insert a new paragraph after the first paragraph to read as follows:

On [insert approval date of Research Plan] the Secretary approved the North Pacific Fisheries Research Plan, which was developed by the North Pacific Fishery Management Council to promote management, conservation, and scientific understanding of groundfish, halibut, and crab resources off Alaska. Federal and State king and Tanner crab observer requirements are described in the North Pacific Fisheries Research Plan.

On page 8-39, 8.3.7 State Observer Requirements, change the next to the last sentence to read as follows:

The State currently has a mandatory observer requirement for all catcher/processors and floating processors participating in the king crab, C. bairdi, and C. opilio fisheries as a condition to obtaining a processing permit.

On page 8-39, add a sentence to the end of the last paragraph, to read as follows:

State and Federal king and Tanner crab observer requirements are described in the North Pacific Fisheries Research Plan.

Attachment 2

IMPLEMENTATION DATES FOR NORTH PACIFIC RESEARCH PLAN  
(Dates are approximate)  
November 5, 1993

1994

- Jan. 2 -- Council submits Research Plan to Secretary (receipt date declared)
- Feb. 20 -- NMFS (Council?) establishes dates and locations of public hearings on Research Plan (these need to be set before the proposed rule is published)
- Mar. 1 -- NMFS publishes Notice of Availability for FMP amendments (no proposed rule; no regulations); 60-day comment period on amendments begins
- Mar. 1 -- NMFS publishes proposed rule for Research Plan; 60-day public comment period begins
- March -- Public hearings on Research Plan held in AK, WA, OR (March dates to be determined)
- May 15 -- NMFS provides proposed Research Plan specifications for 1995, with supporting estimates of costs and values, to Observer Oversight Committee
- June 1 -- FMP amendments approved by Secretary (no final rule)
- June 15 -- Final rule implementing Research Plan published in FR; 30-day cooling-off period begins
- June 15 -- Oversight Committee and Council approve proposed Research Plan specifications for 1995
- Sept. 15 -- Council approves final Research Plan specifications for 1995
- Nov. 1 -- NMFS publishes final fee rate for 1995 and supporting parameters in FR
- Dec. 1 -- NMFS issues semi-annual processor permits for first half of 1995

Year 1 (1995)

Jan. 1 -- Start-up year of fee collection under  
Research Plan begins; fee assessments begin

Year 2 (1996)

Jan. 1 -- Start-up year of fee collection under  
Research Plan ends; implementation of  
Observer Plan as described in Research Plan  
regulations begins



**ELEMENTS OF THE**  
**NORTH PACIFIC FISHERIES RESEARCH PLAN**  
(as adopted by Council on June 28, 1992)

**A. Objectives:**

1. To provide a framework for developing an observer program for the Alaska groundfish fishery which has the capability to perform inseason management, to accommodate status of stocks assessment and to provide accurate, real-time data of sufficient quality to implement an individual vessel incentive program.
2. To provide a framework for developing an observer program for Bering Sea/Aleutian Islands king and Tanner crab fisheries which accommodates inseason management needs, ensures management compliance, and provides for the collection of biological and management data necessary to achieve the sustained yield of the crab resource without overfishing.
3. To ensure that the groundfish and crab observer programs are efficient and cost effective, that any increased costs are commensurate with the quality and usefulness of the data to be derived from any revisions to the programs, and that such changes are necessary to meet fishery management needs.
4. To provide for cooperation and coordination between the groundfish observer program administered by the NMFS and the crab observer program administered by the Alaska Department of Fish and Game (ADF&G).

**B. Elements of the NMFS Groundfish Observer Program:**

1. Level of coverage:
  - a. Levels of observer coverage may vary by fishery and vessel size depending upon the objectives to be met for each fishery. This applies to all fisheries under Council FMP jurisdiction and includes possible coverage for vessels participating in the halibut fisheries. Various levels of observer coverage, which are necessary to maintain statistical reliability, will be identified for each of the stated objectives of the Research Plan. The Council will review this and other relevant information on an annual basis to determine appropriate coverage levels given the available funds as well as the goals of the program.
  - b. Changes to the existing groundfish observer program to improve the accuracy and availability of observer data may be implemented by the Alaska Regional Director (NMFS) upon recommendation by the Council based on one or more of the following:
    - (i) a finding that there has been, or is likely to be, a significant change in fishing methods, times, or areas for a specific fishery or fleet component;
    - (ii) a finding that there has been, or is likely to be, a significant change in catch or bycatch composition for a specific fishery or fleet component;
    - (iii) a finding that modifications to the observer program are warranted to improve data quality and availability necessary to implement an individual vessel incentive program for a specific fishery or fleet component.

- (iv) a finding that such modifications are necessary to improve data availability or quality in order to meet specific fishery management objectives.
- (v) a determination that any increased costs are commensurate with the quality and usefulness of the data to be derived from any revised program, and are necessary to meet fishery management needs.

2. Observer employment and contracts:

- a. Observers will be either employees of NMFS, or be under contract to NMFS.
- b. Observer contracts will be subject to a competitive bid process and will comply with federal and/or agency procurement regulations. If in accordance with procurement regulations, and if cost effective, multiple contractors will be used. A minimum of three contractors will be used if there are three or more qualified bidders.
- c. Observer deployment shall be determined by NMFS.
- d. Observers must possess the education and specific training necessary to meet the requirements of the groundfish observer program.

3. Duties of observers:

- a. collect data on catch, effort, bycatch, and discards of finfish and shellfish, including PSCs, and transmit required data to facilitate in-season management.
- b. collect biological samples which may be used to determine species, length, weight, age and sex composition of catch and predator prey interactions;
- c. collect data on incidental take of marine mammals, seabirds, and other species as appropriate;
- d. other duties as described in the NMFS observer manual.

4. Data collection, transmission, and input programs shall be implemented according to the following:

- a. initial implementation shall be as specified under existing regulations and guidelines;
- b. the Regional Director, NMFS Alaska Region, shall review fishery monitoring programs and report to the Council on methods to improve data collection and sampling techniques, provide for real time data transmission from the fleet including daily reporting, and other measures as appropriate to improve the accuracy and efficiency of fishery monitoring programs.

5. NMFS's detailed budget for implementing the groundfish observer program including:

- (i) costs for observer training and certification;
- (ii) costs for stationing observers on board fishing vessels and United States fish processors, including travel, salaries, benefits, insurance;

- (iii) costs for data collection, transmission, and input;
- (iv) contract services and general administrative costs.

**C. Elements of the ADF&G Crab Observer Program:**

The Fees will be collected from all processors and the State of Alaska Shellfish Observer Program will be incorporated within the provisions of the Research Plan.

**1. Level of Coverage:**

- a. Initial levels of observer coverage under the North Pacific Fisheries Research Plan shall be that of the existing industry funded crab observer program.
  - i. Presently 100% of all catcher/processors and floating processors are required to have an onboard observer to engage in the BS/AI crab fisheries.
  - ii. ADF&G traditionally collected essential biological and management data at the point of shoreside landing immediately before processing. The rapid evolution to processing by catcher/processor and floating processor vessels in particular shellfish fisheries seriously eroded the department's ability to adequately monitor harvests to ensure sustained yield without overfishing. Onboard observers supply two critical functions, without which offshore processing would not be allowed.
    - They are the only practical data gathering mechanism which would not disrupt processing.
    - They provide the only effective means to ensure management compliance.
- b. Pursuant to the Bering Sea and Aleutian Islands king and Tanner Crab FMP, the State of Alaska crab observer program has been designed by the Alaska Board of Fish and administered by the Alaska Department of Fish and Game. Future modifications to the crab observer program may be made through the Council/Board process, in accordance with the king and Tanner crab FMP, and subject to the availability of funding.

**2. Observer employment and contracts:**

- a. Observers will be either employees of ADF&G, or be under contract to NMFS.
- b. Observers for the Shellfish Observer Program obtained from contractors will be obtained through the NMFS observer contracts. Observer contracts will be subject to a competitive bid process and will comply with federal and/or agency procurement regulations. If in accordance with procurement regulations, and if cost effective, multiple contractors will be used. A minimum of three contractors will be used if there are three or more qualified bidders.
- c. Observer deployment shall be determined by ADF&G.
- d. Observers will possess the education and specific training necessary to meet the requirements of the crab observer program.

3. Duties of observers:
  - a. collect data on catch, effort, bycatch and discards of finfish and shellfish, and transmit required data to facilitate inseason management;
  - b. collect biological samples which may be used to determine species, length, weight, age and sex composition of catch;
  - c. collect data on marine mammals, seabirds, and other species as appropriate;
  - d. other duties as described in the ADF&G observer manual.
4. Data collection, transmission, and input programs shall be implemented according to the following:
  - a. initial implementation shall be as specified under existing regulations and guidelines to facilitate inseason management at the Dutch Harbor and Kodiak offices;
  - b. ADF&G shall review their fishery monitoring and data transmission programs in conjunction with the NMFS, to help develop coordinated methods to improve data collection and sampling techniques, provide for real time data transmission from the fleet including daily reporting, and other measures as appropriate to improve the accuracy and efficiency of fishery monitoring programs and improve coordination between agencies.
5. ADF&G's detailed budget for implementing the crab observer program including:
  - (i) costs for observer training and certification;
  - (ii) costs for stationing observers on board crab catcher/processors, United States crab floating processors, and shoreside observers/debriefers, including travel, salaries, benefits, insurance;
  - (iii) costs for data collection, transmission, and input;
  - (iv) contract services and general administrative costs.

D. Coordination Between the NMFS Groundfish Program and the ADF&G Crab Observer Program:

1. Recognizing the differences in the missions between the ADF&G crab observer program and the NMFS groundfish observer program, but wishing to provide for the maximum efficiency in administration and implementation of the groundfish and crab observer programs, NMFS and ADF&G will form a work group to address the following:
  - a. to the extent possible and practicable, development of consistent, cost effective, and compatible observer training and debriefing procedures.
  - b. development of a consistent data collection, transmission and processing system including a single data base available to both agencies on a real-time basis.
  - c. identification of costs which are appropriate for reimbursement to the State pursuant to the MFCMA.

2. The University of Alaska, as an observer training entity, shall be included as an ex-officio member of the agency workgroup for the purpose of part 1 (a) above. Recognizing industry concerns regarding administrative costs of the plan and possible shortfalls under the 1% formula, direct the agency workgroup identified above to review costs and identify possible cost savings measures, including the use of public or private contractors to perform some or all of the duties under the plan, as well as the costs and benefits of training groundfish observers in Alaska or elsewhere.
3. On an annual basis, NMFS and ADF&G will provide to the Council a report detailing steps taken to improve overall coordination between the two observer programs and to improve administrative efficiency.

E. Fee Assessment:

The North Pacific Fisheries Research Plan fee assessment program will be based on the following:

1. Fisheries subject to fee assessment:
  - a. Gulf of Alaska groundfish.
  - b. Bering Sea and Aleutian Islands groundfish
  - c. North Pacific halibut
  - d. Bering Sea and Aleutian Island king and Tanner crab
2. Fees will be assessed at up to 1% of first wholesale (though not to exceed 2% of exvessel) value of fish and crab harvested in the fisheries identified above. Fees will be collected on the basis of exvessel value. Though the potential maximum fee is prescribed by the Magnuson Act, the actual maximum for any given year may be less after determining the cost of the Plan and after deducting funds from other sources, if required (discussed below).

The fee percentage limit identified above will sunset three years after implementation of the Research Plan. Unless changed or reestablished by the Council, the funding mechanism would revert to direct payment, by vessels and processors, for required observer coverage levels.

3. Fees from the program may only be used to pay for: (1) stationing observers including the direct costs of training, placing, maintaining, and debriefing observers; (2) collecting, verifying, and entering collected data (not manipulating data); (3) supporting an insurance risk-sharing pool; and (4) paying the salaries of personnel to perform these tasks. The fees cannot be used to pay administrative overhead or other costs not directly incurred in carrying out the Plan, or to offset amounts authorized under other provisions of law.
4. Annually the Regional Director, in consultation with the Council, will establish a fee percentage taking into account the value of the plan fisheries, the costs of implementing the Plan, other sources of funds, and limitations on the total amount that can be collected. This will be done concurrent with Council approval of observer needs of the fisheries. This annual process will be completed by the time the fisheries commence. The fee will be expressed as a percentage of the exvessel value of the fisheries. The reports and budget documents outlined above shall be provided annually to the Council a month prior to its June meeting. The Observer Oversight Committee established by the Council shall review the documents under Sections E and G of this Outline and provide a recommendation to the Council at the June meeting. The Council will review the Committee's recommendation and take final action in September.

5. All plan fisheries will contribute to the total value of the fisheries; NMFS, in consultation with the Council, will use the best information available to project the value of fisheries. The factors that will be taken into account include but are not limited to: average prices for species or species groups, product forms, discards, and other factors during the year preceding the year for which the fee is being established, anticipated changes in the coming year, and projected catch based on expected harvest in plan fisheries. These projected values will be subjected to public review.
6. NMFS, with the assistance of ADF&G, will provide an estimate of the costs of providing required observer coverage for the groundfish and shellfish programs for the coming year based on anticipated observer coverage and the anticipated costs of the activities listed under Item E.3 above, including any additional costs of utilizing observers.
7. NMFS will provide an estimate of surplus funds in the North Pacific Observer Fund and estimate the amounts of funds that may be available from other sources.
8. The fees shall be set such that the total amount of fees collected are not expected to exceed the limitation prescribed by the Magnuson Act.
9. The user fee percentage for the coming year will be the total amount to be collected divided by the exvessel value of the plan fisheries, multiplied by 100. This fee will be established before the fishing year to which it will apply. It will be subject to Council and public review before being finalized.
10. The State of Alaska will be reimbursed for all of the costs of the crab observer program which are allowable under the MFCMA from fees collected under the North Pacific Fisheries Research Plan, consistent with C.1 above.
11. When an accurate, reliable, and equitable method of measuring discards is developed and implemented, they may be assessed the fee under the Research Plan. This would not include required discards or discards that are alive. The value to assign assessed discards will be determined at an appropriate time in the future. Fees may also be assessed against Donut Hole fisheries.

#### F. Fee Collection

Although fees are assessed against all fishing vessels and fish processors, they are collected from fish processors participating in plan fisheries. Fish processors are defined in the Magnuson Act; however, their operating characteristics fall into one of two categories. Processors are in Category A when they purchase unprocessed fish, that is when there is a documented commercial transaction between independent parties. Processors are in Category B when they obtain fish without such a transaction. For purposes of collecting fees, harvesting vessels are considered Category A processors when they sell directly to any entity other than a federally permitted processor under this plan.

1. Estimation of exvessel prices and fee liability
  - a. Category A Processors: It is assumed that these processors weigh or otherwise directly determine the amount of all fish delivered. Their fee liability is the product of the fee percentage established by NMFS for the fishing year, average exvessel price paid to the fisherman, and the amount of fish received. In addition, fees may be required on discards as described above. Fee liability will be divided equally between the processor and fisherman.

- b. **Category B Processors:** If these processors weigh or otherwise directly determine the amount of their catch, then those documented amounts will be used to estimate fee liability. Otherwise, product recovery rates published by NMFS will be used to estimate retained catch. Their fee liability is the product of the fee percentage established by NMFS for the fishing year, an exvessel price as estimated and published by NMFS, and the estimated retained catch. The price estimates provided by NMFS will be based on price data from Category A Processors, taking into consideration the species mix, quarter of the year, area, and other appropriate factors. In addition, fees may be required on discards as described above.

For both Category A and Category B processors, the exvessel price against which to apply the fee will be calculated each year based on average price information, across all Category A processors and across all product forms for each species or species group, from the previous 12 month period. This standardized price will be the basis for calculating each quarterly payment.

2. Fee payments will be made quarterly within 30 days of the end of the quarter to the NOAA Office of the Comptroller to be deposited in the North Pacific Observer Fund within the U.S. Treasury. The fee will be documented in a manner prescribed by NMFS.
3. All processors as defined under Item F(1) above may be required to have a federal permit to receive fish from plan fisheries. Processors must apply for these permits annually by the deadline prescribed by the Regional Director. Permits would be issued annually on January 1 and renewed semi-annually on July 1 to those processors whose fee payments are current. The NOAA Office of the Comptroller shall assess late charges for underpayment or late payments of fees.

In order to cover anticipated fee liabilities, a bond or letter of credit, in an appropriate amount, will be required of each processor who receives plan fisheries fish (this includes dockside sellers who, in effect, become processors). This bond or letter of credit would be in place for the entire year. A lien on property may also be included as assurance for payment of fee liabilities. Prepayment of fees by a processor would remain an option to the bonding process.

#### START-UP FUNDING

In order to accumulate necessary start-up money in the Observer Fund, an appropriate fee percentage will be calculated and, for the first year after Secretarial approval of the Research Plan, applied to all segments of industry covered by the Research Plan. The existing coverage requirements will remain in effect. All segments of industry who do not pay directly for observer coverage (for example vessels under 60 feet and vessels in the halibut fisheries) will pay this percentage as described above. Those who do pay directly for observer coverage will be required to pay the difference between the amount they pay directly and the amount based on the fee percentage, if the amount they pay directly is less than the fee percentage amount. For those whose direct payments are equal to or greater than the fee percentage amount, additional payments beyond their direct payments will not be required.

#### FUNDING SHORTFALLS

In the event of a funding shortfall after implementation of the Research Plan, the available funds will be utilized according to the prioritized list of Research Plan objectives as follows: (1) Stock assessment (2) In-season management (3) Bycatch monitoring (4) Vessel incentive programs.

2. Coos Bay on Tuesday, November 9, 1993—Red Lion Inn, Umpqua Room, 1313 North Bayshore Dr., Coos Bay, Oregon 97420, and

3. Eureka on Wednesday, November 10, 1993—Red Lion Inn, Humboldt Bay Room, 1929 Fourth Street, Eureka, California 95501.

The full Council session will be held on November 16, 1993, at the Clarion Hotel—San Francisco Airport, 401 East Millbrae Avenue, Millbrae, California 94030.

**FOR FURTHER INFORMATION CONTACT:**  
John C. Coon, 503-326-6352.

**SUPPLEMENTARY INFORMATION:** This amendment document contains a brief description of the proposed amendment along with a draft environmental assessment, regulatory impact review/initial regulatory flexibility analysis, statement of consistency with coastal zone management programs, and review of other applicable law which could be affected by the amendment. The consideration of alternative management for OCN coho is needed to:

- (1) Address the failure of the seventh amendment to the FMP to correctly anticipate the persistent low OCN coho stock abundance and subsequent frequency of annual spawner goals below maximum sustained yield,
- (2) Avoid possible imbalances in coho harvest allocation at low allowable harvest levels, and
- (3) Avoid the constant use of an emergency rule to implement annual regulations.

Dated: October 22, 1993.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 93-26504 Filed 10-27-93; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Parts 672 and 675

[Docket No. 830954-3254; LD. 092193A]

RIN 0648-AF54

**Groundfish Off the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area**

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes to amend requirements for observer coverage of the groundfish fisheries in the Gulf of Alaska (GOA) and the Bering Sea and

Aleutian Islands (BSAI) management area. This action is necessary to improve management of the groundfish fisheries off Alaska. The intended effect of this action is to increase observer coverage of the groundfish harvests and to promote the fishery management objectives of the Fishery Management Plan (FMP) for Groundfish of the GOA and the FMP for the Groundfish Fishery of the BSAI with respect to groundfish management off Alaska.

**DATES:** Comments are invited until November 29, 1993.

**ADDRESSES:** Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802 (Attn: Lori Gravel). Copies of the environmental assessment/regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA) and the Observer Plan may be obtained from the aforementioned address.

**FOR FURTHER INFORMATION CONTACT:**  
Ronald J. Berg, Fisheries Management Division, Alaska Regional Office, NMFS, 907-586-7228.

**SUPPLEMENTARY INFORMATION:**

**Background**

Fishing for groundfish by vessels in the exclusive economic zone (EEZ) of the GOA and the BSAI is managed by the Secretary of Commerce (Secretary) according to the FMP for Groundfish of the GOA and the FMP for the Groundfish Fishery of the BSAI. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and are implemented by regulations governing the U.S. groundfish fisheries at 50 CFR parts 620, 672, and 675.

On November 1, 1989, the Secretary approved Amendments 13 and 18 to the groundfish FMPs for the BSAI and GOA, respectively. Regulations implementing those amendments were published on December 6, 1989 (54 FR 50386). Each of these amendments authorized a comprehensive domestic fishery observer program. An Observer Plan to implement the program was prepared by the Secretary in consultation with the Council and issued by NMFS, effective February 7, 1990 (55 FR 4839, February 12, 1990).

NMFS has experienced management problems with certain provisions of the Observer Plan. NMFS staff met with a Council-appointed Industry Oversight Committee on August 13, 1992, and recommended changes to the Observer Plan for Council consideration. The

Council, at its December 1992 meeting, reviewed the changes recommended by NMFS staff and the Oversight Committee, received public comments on the proposed changes, and recommended that the Secretary make the following changes:

(1) Change the definition of a "fishing trip" and base observer coverage requirements on a new definition of "fishing days" instead of "fishing trip days";

(2) Increase observer coverage on vessels equal to or greater than 60 feet in length overall (LOA) but less than 125 feet LOA during each calendar quarter and in each fishery;

(3) Increase observer coverage of vessels using hook-and-line gear in the Eastern Regulatory Area of the GOA;

(4) Revise observer coverage requirements for vessels using pot gear to participate in a directed fishery for groundfish; and

(5) Revise the conflict of interest standards for NMFS-certified observers and observer contractors.

A description of and reasons for these actions follow.

*Change the Requirement for Observer Coverage From "Fishing Trip Days" to "Fishing Days" and Define "Fishing Days"*

Currently, for purposes of observer coverage, a "fishing trip" is defined to start on the day when fishing gear is first deployed and end on the day the vessel offloads groundfish, returns to an Alaskan port, or leaves the EEZ off Alaska and adjacent waters of the State of Alaska (50 CFR 672.27(c)(1)(ii)(D) and 675.25(c)(1)(ii)(D)). Observer coverage is calculated by dividing the observed fishing trip days by the total fishing trip days for each vessel. NMFS compared actual sampling days in the GOA during the 1991 fishing year with the amount of observer coverage that was credited during fishing trips made by vessels in the 30 percent coverage category. The 30 percent coverage category includes those vessels from 60 through 124 feet LOA that fish for groundfish more than 10 days in a calendar quarter. NMFS found that, during 1991, no hauls or sets were sampled on 23 to 32 percent of the days for which vessels received observer coverage, depending on the gear type. Days may not be sampled for numerous reasons, including running time, poor fishing, gear problems, unavailability of the observer, or manipulation of the observer coverage requirements.

NMFS examined a sample of fishing records for vessels in the 30 percent observer coverage category for the 1992 fishing year, and determined that approximately 21 percent of the fishing



days for which vessels obtained credit for observer coverage occurred on days when groundfish were not caught and retained. NMFS is not obtaining needed information from vessels in the 30 percent coverage class.

The Council recommended changing the basis of observer coverage to fishing days. NMFS is proposing to define a fishing day as a 24-hour period from 0001 Alaska local time (A.L.T.) through 2400 A.L.T. during which fishing gear is retrieved and groundfish, as defined at 50 CFR 672.2 and 675.2, are retained for further processing.

*Increasing Observer Coverage on Vessels Equal to or Greater Than 60 Feet LOA But Less Than 125 Feet LOA During Each Calendar Quarter and in Each Fishery*

Currently, operators of catcher/processors and catcher vessels from 60 through 124 feet LOA are required to carry a NMFS-certified observer 30 percent of the days during fishing trips in each calendar quarter in which the vessels fish more than 10 days in the groundfish fishery (50 CFR 672.27(c)(1)(iii)(D) and 675.25(c)(1)(iii)(D)). At present, operators of vessels in the 30 percent observer coverage category can choose which fishing trips and fisheries to have an observer present. Vessel operators potentially could manipulate observer coverage to avoid having an observer onboard while operating in fisheries that experience high bycatch of prohibited species. Also, fisheries openings have become shorter in recent years, and more vessels are exempted from observer coverage because these vessels fish 10 days or less in a quarter. This situation could result in unrepresentative observer data from particular fisheries.

The Council recommended amending the observer regulations to require operators of vessels equal to or greater than 60 feet LOA but less than 125 feet LOA to carry an observer 30 percent of the fishing days in each calendar quarter in which the vessels participate for more than 3 fishing days in a directed fishery for groundfish. The change from a 10-fishing day trigger to a 3-fishing day trigger is intended to promote data collection in fisheries of shorter duration. This change would: (1) Result in a more representative distribution of observer effort; (2) provide prohibited species bycatch rates that more accurately reflect the fishery; and (3) provide more complete biological data needed for management of the stocks.

The Council also recommended amending the regulations to require each vessel equal to or greater than 60

feet LOA but less than 125 feet LOA to carry an observer during at least one fishing trip for each groundfish fishery in which the vessel participates during a calendar quarter. Fishermen would need to plan their fishing operations for each fishery in which they intend to participate. Fishermen may also want to assure that they have observer coverage for the first trip or an early trip in each fishery because early fishery closures, vessel breakdowns, bad weather, poor market conditions, or other reasons might result in cancellation of other trips in that fishery during the quarter.

To ease the logistical burdens of obtaining observer coverage in potential groundfish fisheries, NMFS proposes to define fishery categories for purposes of observer coverage requirements. These categories are intended to improve observer coverage of fisheries that are not adequately covered under the current Observer Plan. Proposed fishery categories are defined as follows:

*Pollock fishery.* Fishing that results in a retained amount of pollock during any weekly reporting period that is greater than the retained amount of any other groundfish species or species group that are specified as a separate groundfish fishery for purposes of determining observer coverage requirements.

*Pacific cod fishery.* Fishing that results in a retained amount of Pacific cod during any weekly reporting period that is greater than the retained amount of any other groundfish species or species group that are specified as a separate groundfish fishery for purposes of determining observer coverage requirements.

*Sablefish fishery.* Fishing that results in a retained amount of sablefish during any weekly reporting period that is greater than the retained amount of any other groundfish species or species group that are specified as a separate groundfish fishery for purposes of determining observer coverage requirements.

*Rockfish fishery.* Fishing that results in a retained aggregate amount of rockfish of the genera *Sebastes* and *Sebastes* during any weekly reporting period that is greater than the retained amount of any other groundfish species or species group that are specified as a separate groundfish fishery for purposes of determining observer coverage requirements.

*Flatfish fishery.* Fishing that results in a retained aggregate amount of all flatfish species except Pacific halibut during any weekly reporting period that is greater than the retained amount of any other groundfish species or species group that are specified as a separate groundfish fishery for purposes of

determining observer coverage requirements.

*Other species of groundfish fishery.* Fishing that results in a retained amount of groundfish during any weekly reporting period that does not qualify as a pollock, Pacific cod, sablefish, rockfish, or flatfish fishery.

NMFS also proposes to clarify the size range intended for 30 percent observer coverage vessels by defining it as equal to or greater than 60 feet LOA but less than 125 feet LOA instead of the range as described in the current regulations, which reads 60 through 124 feet LOA. This change clarifies that vessels between 124 and 125 feet LOA are included in the 30 percent observer coverage category.

*Increase Observer Coverage of Vessels Using Hook-and-Line Gear in the Eastern Regulatory Area*

The Council recommended that observer coverage requirements be revised to increase observer coverage for vessels fishing for groundfish in the Eastern Regulatory Area of the GOA using hook-and-line gear. Hook-and-line gear fisheries occurring in the Eastern Regulatory Area presently are not adequately covered. NMFS proposes to require operators of catcher/processor and catcher vessels using hook-and-line gear that participate in a directed fishery for groundfish to carry a NMFS-certified observer during at least one fishing trip in the Eastern Regulatory Area during each calendar quarter that they participate in a directed fishery for groundfish in this area. This change also would minimize the opportunity to manipulate observer coverage and result in a more representative distribution of observer coverage among areas.

*Revise Observer Coverage Requirements for Vessels Participating in a Pot Gear Fishery for Groundfish, and Which Are Equal to or Greater Than 60 Feet LOA*

Analysis of observer data from the groundfish pot gear fishery has shown that groundfish pot gear has low bycatch rates and low mortality of prohibited species. In 1990, halibut bycatch by pot gear vessels accounted for 0.3 percent of the halibut bycatch mortality in the BSAI and 1.1 percent of the GOA halibut mortality. In 1990, approximately 92 percent of the halibut bycatch in the groundfish pot gear fishery were in excellent condition at the time of release. The 1991 observer data indicated that approximately 96 percent of the halibut released were in excellent condition. The 1990 groundfish pot gear fishery in the BSAI accounted for 7.7 percent of the red king crab bycatch, 1.1 percent of the *C. bairdi*

Tanner crab bycatch and 8.4 percent of the bycatch of other Tanner crab. The 1990 GOA groundfish pot fishery accounted for 91 percent of the red king crab bycatch, 51.8 percent of the *C. bairdi* bycatch, and 25.8 percent of the other Tanner crab bycatch. Data collection by observers on the condition of crab at time of release showed that more than 95 percent of all crab were released in excellent condition.

Presently, vessels using pot gear are currently subject to the same levels of observer coverage as vessels using other gear types. Vessels 125 feet LOA or longer must have 100-percent observer coverage and vessels from 60 feet LOA but less than 125 feet LOA must have 30 percent coverage by quarter (50 CFR 672.27(c)(1)(iii)(C) and 675.25(c)(1)(iii)(C)).

The Council recommended that each vessel using pot gear that is equal to or greater than 60 feet LOA carry an observer during at least 30 percent of its fishing days during each calendar quarter in which it participates for more than 3 days in a directed groundfish pot gear fishery. This alternative would maintain the status quo for observer coverage requirements for vessels currently required to carry observers at least 30 percent of the time but would reduce the coverage of vessels 125 feet LOA or longer from 100 to 30 percent. The intent of this proposed change is to reward the use of gear with low bycatch rates and mortality of prohibited species through a reduction in the cost of observer coverage.

#### *Revise the Conflict of Interest Standards for Observers and Observer Contractors*

The existing conflict of interest standards for observers and contractors appear on pages 4, 5, and 7 of the Observer Plan (July 2, 1991), page 12 of Attachment 3, and pages 21 and 22 of Attachment 4 to the Observer Plan. The changes would include: (1) Placing restrictions on observers who were previously employed in the observed fishery; and (2) prohibiting observer contractors from assigning observers in response to requests for or against a specific individual or specific gender, race, creed, or age of individual. Each of these changes is addressed below.

1. Prohibiting a person from being an observer on a vessel or facility owned by a company who employed that person within the preceding 12 months.

An appearance of a conflict of interest could occur if a person serves as an observer on a vessel or at a shoreside facility that is owned or operated by a person who previously employed that observer. A similar appearance could occur if a person were to alternate

between working as an employee for a fishing company and working as an observer on a vessel or shoreside facility owned by the same company. To avoid this situation, the Council recommended that an individual be prohibited from serving as a certified observer on any vessel or at any shoreside facility owned or operated by a person who previously employed the individual serving as an observer for a period of 12 months after being employed by that person.

2. Prohibiting observer contractors from assigning observers in response to request for or against a specific individual or specific gender, race, creed, or age of individual.

The current language of the Observer Plan prohibits contractors from responding to requests from owners and operators of vessels or shoreside proceeding facilities for specific individuals to serve as observers.

However, it does not prohibit contractors from responding to requests for a specific gender, race, creed, or age of individual. The Council recommends disallowing this type of discrimination.

The Council also recommended narrowing the current conflict of interest standards for financial and personal interest. NMFS believes that this change would weaken the existing standards and does not propose to make the changes recommended by the Council.

NMFS proposes the following conflict of interest standards in the Observer Plan:

#### Conflict of Interest Standards

##### a. A certified observer—

1. Must be employed by an independent contracting agency certified by NMFS to provide observer services to the industry;
2. May not have a financial interest in the observed fishery;
3. May not have a personal interest in the vessel or shoreside facility to which he or she is assigned;
4. May not solicit, accept, or receive, directly or indirectly, a gift, whether in the form of money, service, loan, travel, entertainment, hospitality, employment, promise, or in any form that is a benefit to the observer, under circumstances in which it could be reasonably inferred that the gift is intended to influence the performance of official duties, actions, or judgment;
5. May not serve as an observer on any vessel or at any shoreside facility owned or operated by a person (as that term is defined at 50 CFR 620.2) who previously employed the observer, for a period of 12 months after being employed by that person.

##### b. A certified observer contractor—

1. May not be an individual, partnership, or corporation with a personal or financial interest in the observed fishery, shoreside facilities or vessels, other than the provision of observers;

2. Shall assign observers without regard to any preference by representatives of vessels and shoreside facilities for or against a specific observer;

3. Shall assign observers without regard to any preference by representatives of vessels and shoreside facilities for or against any classification of observers based on race, gender, age, or religion.

NMFS proposes these regulations for public comment. NMFS also proposes to reduce redundant regulatory language by cross referencing observer requirements set forth at 50 CFR 675.25 to the identical regulatory text set forth at 50 CFR 672.27.

#### Classification

The Assistant Administrator for Fisheries, NOAA, (AA) has initially determined that the proposed amendments to the Observer Plan and implementing regulations are necessary for the conservation and management of the groundfish fishery off Alaska, and are consistent with the Magnuson Act and other applicable laws.

The Alaska Region, NMFS, and the Council prepared an EA for this rule that describes the impact on the environment as a result of this rule. A copy of the EA may be obtained (see ADDRESSES).

The EA/RIR/IRFA prepared for this proposed rule analyzes the cost and benefits and potential economic and environmental impacts of the proposed action on the affected industry and State and local governments. A copy of the EA/RIR/IRFA may be obtained (see ADDRESSES).

NMFS and Council staff prepared an initial regulatory flexibility analysis as part of the regulatory impact review, which concludes that this proposed rule, if adopted, would have significant effects on a substantial number of small entities (i.e., small businesses, small organizations, and small governmental jurisdictions with limited resources). This proposed rule will result in increased observer coverage and increased costs to vessels requiring 30 percent observer coverage, many of which are also considered small entities. In 1992, about 500 of the 2,431 vessels permitted to harvest groundfish in the GOA and BSAI were classified as requiring 30 percent observer coverage. The most important impacts on these vessels will be as a result of basing

observer coverage on fishing days rather than trips and on the 3-fishing-day trigger rather than a 10-day trigger. These increased costs may be significant to many of these vessels. A copy of the EA/RIR/IRFA may be obtained (see ADDRESSES).

This proposed rule does not contain a collection-of-information requirement subject to the Paperwork Reduction Act.

NMFS has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal management program of the State of Alaska. This determination has been submitted for review by the responsible State agency under section 307 of the Coastal Zone Management Act.

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

The Regional Director determined that fishing activities conducted under this rule would not adversely affect endangered or threatened species or critical habitat under the Endangered Species Act.

The Regional Director determined that fishing activities conducted under this rule would have no adverse impacts on marine mammals.

#### List of Subjects in 50 CFR Parts 672 and 675

Fisheries, Reporting and recordkeeping requirements.

Dated: October 22, 1993.

Charles Kartzella,

Acting Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 672 and 675 are proposed to be amended as follows:

#### PART 672—GROUND FISH OF THE GULF OF ALASKA

1. The authority citation for 50 CFR part 672 continues to read as follows:

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

2. In § 672.27, the first sentence of paragraph (a) and paragraphs (b), (c)(1)(ii)(D) and (c)(1)(iii) (C) and (D) are revised and paragraphs (c)(1)(ii)(E), (c)(1)(iii)(E), (c)(1)(iii)(F), (c)(1)(iv) and (c)(1)(v) are added to read as follows:

##### § 672.27 Observers.

(a) *Observer Plan.* The operator of a fishing vessel subject to 50 CFR parts 672 and 675, and the manager of a shoreside processing facility that receives groundfish from vessels subject to 50 CFR parts 672 and 675, must comply with the Observer Plan. \* \* \*

(b) *Purpose.* The purpose of this section is to allow observers to collect

Alaska fisheries data deemed by the Regional Director to be necessary and appropriate for research, management, and compliance monitoring of fisheries for groundfish, as defined at § 672.2 of this part and § 675.2 of this chapter, or for other purposes consistent with the Marine Mammal Protection Act.

(c) \* \* \*

(1) \* \* \*

(ii) \* \* \*

(D) *Fishing trip* means the time period that starts on the day when fishing gear is first deployed and ends on the day the vessel offloads groundfish, returns to an Alaskan port, or leaves the EEZ off Alaska and adjacent waters of the State of Alaska and during which one or more fishing days, as defined in this section, occur.

(E) *Fishing day* means a 24-hour period, from 0001 A.L.T. through 2400 A.L.T., in which fishing gear is retrieved and groundfish, defined at § 672.2 of this part or § 675.2 of this chapter, are retained. Days during which a vessel only delivers unsorted codends to another processor are not fishing days.

(iii) \* \* \*

(C) Operators of catcher/processors or catcher vessels 125 feet in length overall or longer must carry a NMFS-certified observer at all times while fishing for groundfish, except for vessels fishing for groundfish with pot gear as provided for in paragraph (c)(1)(iii)(F) of this section.

(D) Operators of catcher/processors or catcher vessels equal to or greater than 60 feet LOA but less than 125 feet LOA must carry a NMFS-certified observer during at least 30 percent of their fishing days in each calendar quarter in which they participate for more than 3 fishing days in a directed fishery for groundfish. Each vessel that has participated for more than 3 fishing days in a directed fishery for groundfish must carry a NMFS-certified observer during at least one fishing trip during a calendar quarter for each of the groundfish fishery categories defined under paragraph (c)(1)(iv) of this section in which the vessel participates.

(E) Operators of catcher/processors or catcher vessels fishing with hook-and-line gear that are required to carry an observer under paragraph (c)(1)(iii)(D) of this section must carry a NMFS-certified observer during at least one fishing trip in the Eastern Regulatory Area of the Gulf of Alaska during each calendar quarter that they participate in a directed fishery for groundfish in the Eastern Regulatory Area.

(F) Operators of catcher/processors or catcher vessels equal to or greater than 60 feet LOA fishing with pot gear must carry a NMFS-certified observer during at least 30 percent of their fishing days

in each calendar quarter in which they participate for more than 3 days in a directed fishery for groundfish. Each vessel that has participated for more than 3 fishing days in a directed fishery for groundfish using pot gear must carry a NMFS-certified observer during at least one fishing trip during a calendar quarter for each of the groundfish fishery categories defined under paragraph (c)(1)(iv) of this section in which the vessel participates.

(iv) *Groundfish fishery categories requiring separate coverage.* (A) *Pollock fishery.* Fishing that results in a retained amount of pollock during any weekly reporting period that is greater than the retained amount of any other groundfish species or species group that is specified as a separate groundfish fishery under paragraph (c)(1)(iv) of this section.

(B) *Pacific cod fishery.* Fishing that results in a retained amount of Pacific cod during any weekly reporting period that is greater than the retained amount of any other groundfish species or species group that is specified as a separate groundfish fishery under paragraph (c)(1)(iv) of this section.

(C) *Sablefish fishery.* Fishing that results in a retained amount of sablefish during any weekly reporting period that is greater than the retained amount of any other groundfish species or species group that is specified as a separate groundfish fishery under paragraph (c)(1)(iv) of this section.

(D) *Rockfish fishery.* Fishing that results in a retained aggregate amount of rockfish of the genera *Sebastes* and *Sebastes* during any weekly reporting period that is greater than the retained amount of any other groundfish species or species group that is specified as a separate groundfish fishery under paragraph (c)(1)(iv) of this section.

(E) *Flatfish fishery.* Fishing that results in a retained aggregate amount of all flatfish species except Pacific halibut during any weekly reporting period that is greater than the retained amount of any other groundfish species or species group that is specified as a separate groundfish fishery under paragraph (c)(1)(iv) of this section.

(F) *Other species fishery.* Fishing that results in a retained amount of groundfish during any weekly reporting period that does not qualify as a pollock, Pacific cod, sablefish, rockfish, or flatfish fishery under paragraphs (c)(1)(iv)(A) through (c)(1)(iv)(E) of this section.

(v) *Assignment of vessels to fisheries.* During any weekly reporting period, a vessel's retained catch composition of groundfish species or species groups for which a TAC has been specified under § 672.20 of this part or § 675.20 of this

chapter, in round weight equivalents, will determine which of the fishery categories listed under paragraph (c)(1)(iv) of this section the vessel is assigned.

(A) Catcher processor vessels will be assigned to fishery categories at the end of each weekly reporting period based on the round weight equivalent of the retained groundfish catch composition reported on a vessel's weekly production report that is submitted to the Regional Director under § 672.5(c)(2) of this part or § 675.5(c)(2) of this chapter.

(B) Catcher vessels that deliver to mothership processors in Federal waters during a weekly reporting period will be assigned to fishery categories based on

the round weight equivalent of the retained groundfish catch composition reported on the weekly production report submitted to the Regional Director for that week by the mothership under § 672.5(c)(2) of this part or § 675.5(c)(2) of this chapter.

(C) Catcher vessels delivering groundfish to shoreside processors or to mothership processors in Alaska State waters during a weekly reporting period will be assigned to fishery categories based on the round weight equivalent of the groundfish delivered to the processor and reported on an Alaska Department of Fish and Game fish ticket as required under Alaska State regulations at A.S. 16.05.690.

\* \* \* \* \*

#### **PART 675—GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA**

3. The authority citation for 50 CFR part 675 continues to read as follows:

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

4. Section 675.25 is revised to read as follows:

#### **§ 675.25 Observers.**

Observer requirements authorized under the Observer Plan are set forth at § 672.27 of this chapter.

[FR Doc. 93-26503 Filed 10-27-93; 8:45 am]

BILLING CODE 3510-22-M

DOMESTIC GROUND FISH OBSERVER STATISTICS, 1989 - SEPTEMBER, 1993

	thru 9/93	1992	1991	1990	1989	Total
No. Observers Trained or Briefed	444	634	574	581	57**	2290
No. Obs. Trained/Briefed at UAK	9	18	0	0	0	27
No. Observers Deployed (Cruises)	501*	681*	613*	520		2315
No. Individual Observers	278	445	458	472	57	1075
No. Individual Vessels Covered	335	397	363	289		
No. Individual Plants Covered	28	32	28	32		
No. Prior Observers	381	442	331	206	19	1379
No. New Observers	63	192	243	375	38	911
% Prior Observers	86%	70%	58%	35%	33%	60%
% New Observers	14%	30%	42%	65%	67%	40%
% Female Observers	25%	28%	30%	29%	16%	
% Male Observers	75%	72%	70%	71%	84%	

\* The reason the number of deployments exceeds the number trained or briefed is because the deployments count those observers that were trained or briefed late in the previous year, but were deployed early in the present year. The number of deployments is also greater than the number trained or briefed because when an observer works in fisheries off the coasts of Alaska and Wash/Ore/Calif or if they work on a vessel that changes gear types, they are given two cruise numbers.

\*\* 57 observers who were trained or briefed in 1989, were also deployed in 1990.

MISC. STATISTICS

Through the second quarter of 1993, the total count of different observer individuals (both foreign and domestic) is: 3,284

F/AKC2-RFM: 10/8/93

AGENDA C-2  
DECEMBER 1993  
Supplemental