species are reported, including IFQ species that might not be intended for sale. Requiring all species to be landed at the same time and place would assist NMFS Enforcement in this task.

## Authorization To Board Vessels and Verify Landings

Section 676.14(b)(2) would be revised to allow persons authorized by the International Pacific Halibut Commission (IPHC) to sample all IFQ halibut landings for biological information. Also, this revision would authorize clearing officers, authorized officers, and observers to verify, inspect, and sample all landings made with IFQ landings and to board vessels making IFQ landings. This authorization would assist NMFS Enforcement in ensuring that all IFQ species are reported and would aid persons authorized by the IPHC to accomplish their task of obtaining age, length, and other biological information for Pacific halibut, one of the IFQ species, by sampling commercial catch.

# Definitions of Catcher Vessel, Freezer Vessel, and Trip

Definitions in § 676.11 of catcher vessel, freezer vessel, and trip would be changed to clarify that the definition of freezer vessel would be based on the capacity to freeze or process, similar to the definition of processor vessel in the groundfish regulations at 50 CFR 672.2 and 675.2, and not based on whether freezing or processing occurs during any given trip. These definition changes would also eliminate the potential for vessel operators to begin new trips by crossing regulatory area boundaries. Eliminating this potential would require vessel operators to land any frozen product onboard, and thereby terminate the trip, prior to using catcher vessel IFQ on a freezer vessel. This requirement would assist in ensuring that all IFQ product is properly recorded as having been harvested with freezer vessel IFQ or catcher vessel IFQ.

### Use of Catcher Vessel IFQ on Freezer Vessels

A provision would be added to § 676.22(i)(3) to clarify that vessel category lengths for vessels using catcher vessel IFQ specified at § 676.20(a)(2) also apply to freezer vessels using catcher vessel IFQ. This provision would state specifically what the Council intended, but what might not have been apparent, because freezer vessels were not categorized by length in the regulations. For example, a person may only use catcher vessel IFQ Category C onboard a freezer vessel if that freezer vessel's length overall (LOA)

is consistent with LOA categories in  $\S 676.20(a)(2)(iii)$  and the frozen product requirements in  $\S 676.22(i)(3)$ . Clarifying the regulations governing the use of catcher vessel IFQ on freezer vessels is important, because the definitions of freezer vessel and catcher vessel would no longer depend on how a vessel is used on a particular trip.

## **Underages and Overages of an IFQ Account**

Paragraph (c) would be added to § 676.17 to allow the addition of IFQ underages to a person's IFQ account for the following fishing year. Underages of up to 10 percent of a person's annual IFQ account for the current fishing year would be added to that person's annual IFQ account for the following fishing year. Any amount of the underage exceeding 10 percent would expire at the end of the current fishing year. This underage provision would be added to the IFQ Program to encourage persons not to harvest IFQ species when they are very close to their annual IFQ account limit. Allowing unused IFQ to be placed in the following year's account is intended to provide adequate incentive to encourage this behavior.

Also, revisions to § 676.17(b) would change overage accounting. Subtracting overages from a person's IFQ account for the following fishing year would remain as currently provided for in § 676.17(b). Added to § 676.17 would be paragraph (b)(1), which would include the following two-step test for forfeiture. First, does a portion of the IFQ species landed exceed the number of pounds remaining in the person's annual IFQ account? If yes, then does the portion of the IFQ species landed that exceeds the annual IFQ account also exceed 10 percent of the total number of pounds that was remaining in the person's annual IFQ account prior to the landing? If the answer is again yes, the portion of the IFQ species landed that exceeded the pounds in a person's annual IFQ account would be forfeited. A new paragraph (a)(2) would allow an exception to the forfeiture provision if the IFQ species landed that exceeded the amount of pounds remaining in a person's annual IFQ account was less than 400 lb (181.4 kg). The IFQ Implementation Workgroup, made up of members of the fishing industry selected by the Council, suggested using the 10 percent threshold for the underage carryover limit and overage forfeitures, because that was the percentage used by the Canadian IVQ fishery. Also, the 400lb (181.4 kg) exception was included to prevent requiring forfeiture when only one fish was caught. For example, a person whose account has 150 lb (68

kg), and who catches a 200 lb (90.7 kg) halibut, would trigger the forfeiture rule (200 lb (90.7 kg)—150 lb (68 kg)=50 lb (22.7 kg); 50 lb (22.7 kg) is greater than 10 percent of 150 lb (68 kg)). A 400 lb (181.4 kg) exception was determined to be sufficient to accommodate situations in which large halibut may be harvested.

#### **Hail Weights for Vessel Clearance**

In § 676.17(a), the requirement that a vessel operator obtaining prelanding written clearance provide an estimated weight of IFQ species onboard would be changed to the requirement that the vessel operator provide the weight of IFQ species onboard. This requirement would apply when a vessel operator is obtaining vessel clearance in a port in Alaska prior to departing waters in, or adjacent to, the State of Alaska and when a vessel operator is reporting to the Alaska Region, NMFS, prior to obtaining vessel clearance at a port in Washington or another state. Providing the weight of the IFQ species onboard would assist NMFS Enforcement in ensuring that all IFQ species are reported. Without this requirement, a vessel operator would be able to land unreported IFQ species in Canadian ports prior to making reported landings elsewhere and there would be insufficient information to monitor this occurrence.

#### **Prior Notice of IFQ Landing**

A provision would be added to § 676.14(a), requiring a vessel operator to provide the Alaska Region, NMFS, with vessel identification, the estimated weight of IFQ species to be landed, and the IFQ cards that will be used to make the landing. This information, together with the name and location of the registered buyer and the anticipated date and time of landing, must be reported no later than 6 hours before landing IFQ species. Reporting the above information would provide NMFS Enforcement with the means necessary to select the most appropriate vessels and ports to monitor.

### Product Recovery Rates and Conversion Factors for IFQ Species

Paragraph (c)(3)(i) would be added to  $\S$  676.22, referencing the appropriate product recovery rates (PRR) for sablefish in Table 1 to  $\S$  672.20. Also, paragraph (ii) would be added to  $\S$  676.22(c)(3), providing the appropriate conversion factors for Pacific halibut. Reference to the PRR for sablefish and the conversion factors for halibut would be included in the IFQ regulations to provide information on how deductions would be made to a person's annual IFQ