

National Marine Fisheries Service
 Alaska Region
 Juneau, Alaska
 01/30/96

**Status of Regulatory Actions
 Through January 30, 1996**

Groundfish/crab vessel moratorium (Amds 23/28/4)	Effective January 1, 1996
Prohibit trawling in part of the BSAI to protect chinook salmon once 48,000 fish are caught in the BSAI trawl fisheries (Amd 21b)	Effective January 1, 1996
Inshore/Offshore amendments (Amds 38 & 40)	Effective January 1, 1996
Delay full implementation of the Research Plan until 1997 (Amd 1)	Effective January 1, 1996
Interim 1996 GOA & BSAI "Specs"	Effective January 1, 1996
Bycatch Rate Standards for the 1st half of 1996	Effective January 20, 1996
Final 1996 GOA & BSAI "Specs"	Final rule being reviewed by WDC offices; anticipated effective date is February 9, 1996
Allow 1-time trade of sablefish disapprove is halibut quota shares between GOA and BSAI management areas (Amds 32/36)	Effective February 23, 1996
Recordkeeping/reporting revisions	Final rule being reviewed by WDC Offices
Require computer and satellite/modem capability by processors for use by NMFS-certified observers	Final rule being prepared by the Regional Office

and

Status of Regulatory Actions (continued)

Rescind the Research Plan (Amd 2) & Implement a "Pay-as-You-Go" Observer Plan	Proposed regulations being prepared by the Region Office
Amd 1 to the Commercial Scallop Fishery Off Alaska (Moratorium & Federalize certain State regulations)	Proposed regulations being prepared by Regional Office
Omnibus II - sablefish/halibut IFQ program	Proposed regulations being prepared by Regional Office
Extension year round of sablefish season in Aleutians	Proposed regulations being prepared by Regional Office
Authorize voluntary retention of salmon for foodbank program (Amds 26/29)	Proposed regulations being prepared by Regional Office
Allow processing of non-IFQ species on vessels & disallow catcher vessel halibut IFQ on freezer vessels (Amds 33/37)	Proposed regulations being prepared by Regional Office
Revise the GOA POP rebuilding plan (Amd 38)	Proposed regulations being prepared by Regional Office
Implement the Red King Crab Savings Area in Bristol Bay (Amd 37)	Proposed regulations being prepared by Regional Office
Groundfish/Crab License Program and CDQs (Groundfish Amds 39/41 & BSAI Crab Amd 5)	Proposed regulations being prepared by Regional Office
Require processors to use scales to weigh pollock caught in pollock fisheries	ANPR; Proposed regulations being prepared by Regional Office
Cod end mesh size restrictions	Proposed regulations being prepared by Regional Office
Limit vessels participating in sablefish & halibut fishing on the seamounts	Proposed regulations being prepared by the Regional Office



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

*National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668*

AGENDA B-2(b)
JANUARY 1996
Supplemental

January 29, 1996

Richard B. Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite #306
Anchorage, AK 99501-2252

IMPLEMENTATION REPORTS:

Groundfish/Crab Vessel Moratorium Program

Halibut/Sablefish IFQ Program

Dear Mr. Lauber:

This report summarizes activities under the Pacific halibut and sablefish IFQ program during the first year of fishing activity. It also addresses the steps that have been taken to implement the new Vessel Moratorium program for the groundfish and crab fisheries.

VESSEL MORATORIUM PROGRAM

The Restricted Access Management (RAM) Division has begun implementation of the Moratorium Program. In mid-December, we mailed more than 3,300 applications to persons who, according to the Official Record (the database) appeared to be the current owners of moratorium-qualified vessels. In addition to the mailing, we have distributed several dozen applications to those who have requested them.

To date, approximately 1,600 completed applications have been completed and returned to the Division. As you know, there is no application deadline for this program, so we expect to continue to receive applications for the next year or so. All of the returned applications have received initial processing and, beginning this week (week of January 29), we intend to mail the Moratorium Qualification Certificates and Moratorium Permits to all qualifying persons.

Approximately 450 applications are incomplete, or otherwise deficient. Those applicants will receive an Initial Administrative Determination (IAD), on which the nature of the problem is explained. Accompanying the IAD will be an "Interim" Moratorium Permit, with an expiration date 60 days from the date of issuance. During that 60 days, applicants may submit clarifying information or additional evidence and seek reconsideration of the IAD; alternatively, they may appeal the IAD to the Office of Administrative Appeals. Either step will insure the continued validity of their Interim Permit. Failure to take any action within 60 days will, however, result in the expiration of the Interim Permit.



The Division had hoped to be further ahead with the issuance of the Moratorium Permits; however, the furlough kept our staff home for a couple of weeks, during which time the backlog of applications built up while our ability to process them was stymied. As noted above, however, we have completed all initial processing and fully expect to be able to keep abreast of the workload in the future.

In recognition of the inevitability of the delays in Moratorium implementation, the NMFS Office of Enforcement has announced that adverse enforcement actions against those deploying vessels without a Moratorium permit will not begin until February 15. By that time, we anticipate that all who have applied for the permits will have received them and should have them aboard their vessels.

HALIBUT/SABLEFISH IFQ PROGRAM

On November 15, 1995, the first halibut and sablefish season conducted under the IFQ regime came to a close (those who held sablefish IFQ landed small amounts of non-targeted sablefish after that date). The following information summarizes the performance of the program (at the end of the first year) and discusses on-going implementation efforts, as well.

Attached to this report are tables that show IFQ Landings, Landings by Port, and Transfer Activity under the IFQ program. Most of the tables below are summaries of the attachments.

Summary of IFQ Landings

Halibut Landings

These data show that 32,708,343 net pounds of halibut were landed from 7,004 recorded vessel landings. This amounted to some 87% of the statewide TAC. Thirteen percent (13%) of the TAC (4,713,657 pounds) was left unharvested. The following table is derived from the (more complete) attachment.

<u>Area</u>	<u>Vessel Landings</u>	<u>Remaining TAC (Unharvested)</u>	<u>Percent Unharvested</u>
2C	3,071	1,195,462	13%
3A	2,957	1,922,547	10%
3B	503	495,803	13%
4A	225	373,637	19%
4B	89	533,417	29%
4C	129	85,559	22%
<u>4D</u>	<u>30</u>	<u>107,232</u>	<u>20%</u>
TOTALS	7,004	4,713,657	13%

Sablefish Landings

These data show that 40,990,464 pounds of sablefish were landed from 2,664 recorded vessel landings. This amounted to some 90% of the statewide TAC. Ten percent (10%) of the TAC (4,667,585 pounds) was left unharvested. The following table is derived from the (more complete) attachment.

<u>Area</u>	<u>Vessel Landings</u>	<u>Remaining TAC (Unharvested)</u>	<u>Percent Unharvested</u>
SE	1,011	842,475	6%
WY	417	572,438	7%
CG	847	1,176,437	8%
WG	186	682,020	15%
AI	98	957,666	33%
<u>BS</u>	<u>105</u>	<u>436,549</u>	<u>31%</u>
TOTALS	2,664	4,667,585	10%

Notes:

These numbers are derived from landings data provided by NMFS Enforcement, as of January 17, 1995. The data are preliminary and are subject to adjustment as minor data entry errors and other anomalies are detected and corrected.

A "Vessel Landing" includes the number of landings by participating vessels, as reported by IFQ Regulatory Area. Each such landing may include harvests from more than one IFQ Permit holder.

IFQ Landings by Port

The following tables display the six ports with the largest numbers of IFQ landings (by species), as well as the total landings in Prince Rupert (the only Canadian port in which IFQ landings were recorded in 1995), and non-Alaskan U.S. ports. The attached table summarizes those landings in detail, including every port in which a landing of IFQ halibut or sablefish was recorded.

Halibut Landings

<u>Port</u>	<u>Vessel Landings</u>	<u>Pounds Landed</u>	<u>Percent of Total</u>
Kodiak	890	7,495,551	22.92%
Homer	724	3,092,813	9.46%
Sitka	956	2,840,408	8.68%

Unalaska/Dutch	306	2,835,748	8.67%
Seward	456	2,777,243	8.49%
Petersburg	518	2,353,566	7.20%
Prince Rupert	42	483,073	1.48%
Other U.S.	150	2,918,906	8.90%

Sablefish Landings

<u>Port</u>	<u>Vessel Landings</u>	<u>Pounds Landed</u>	<u>Percent of Total</u>
Seward	431	9,123,673	22.26%
Sitka	522	6,014,573	14.67%
Unalaska/Dutch	270	5,522,956	13.47%
Kodiak	289	4,586,260	11.19%
Yakutat	124	2,338,166	5.70%
Pelican	206	2,102,869	5.13%
Prince Rupert	19	209,950	0.51%
Other U.S.	87	1,541,832	3.80%

Notes:

These numbers are derived from landings data provided by NMFS Enforcement, as of January 17, 1995. The data are preliminary and are subject to adjustment as minor data entry errors and other anomalies are detected and corrected.

A "Vessel Landing" includes the number of landings by participating vessels, as reported by IFQ Regulatory Area. Each such landing may include harvests from more than one IFQ Permit holder.

Registered Buyers and Transaction Terminals

Landings of IFQ halibut and sablefish must be made by Registered Buyers and must be recorded using Electronic Transaction Terminals and Printers (unless they don't function properly, in which case Enforcement officials may grant a waiver to the requirement). As of the conclusion of the 1995 season, the Division had issued almost 900 Registered Buyer Permits, and close to 300 Registered Buyers had received landings of IFQ halibut and black cod. Additionally, 338 electronic Transaction Terminals and Printers had been distributed to Registered Buyers, CDQ groups, harbor masters and other officials. Nearly 150 of those terminals had been used to record landings.

Problems with the transaction terminals have been a source of frustration for the Division, for NMFS Enforcement, and for the industry. Even though 90+% of the terminals appear to be functioning properly, those that do not are in major ports (Kodiak and Sitka, for instance); it appears that a new form of communication line (non-FTS) is indicated, as well as refinements to the programs that instruct the machines. A new line has been ordered and should be installed soon.

Solving these transaction terminal problems, once and for all, remains a high priority of the Division. I feel confident that most, if not all, of the problems experienced with the terminals will be corrected prior to the 1996 season.

Underages and Overages - Effects on 1996 IFQ Allocations

Under the IFQ regulations, if a person does not harvest his/her entire IFQ allocation during any given year, an amount of up to ten percent of the annual IFQ allocation (the "underage") must be **added** to the person's IFQ during the following season. Likewise, any harvest in excess of the person's IFQ allowance (the "overage") is **deducted from** the person's IFQ in the following season. The "underage" and "overage" calculation for the 1995 season is summarized below:

Halibut Area	Underages (All Pounds)	Overages (All Pounds)	Net Pounds	Percent of 1995 TAC
2C	342,867	[53,165]	289,702	3.2%
3A	637,097	[166,237]	470,858	2.4%
3B	108,407	[74,818]	33,589	0.9%
4A	57,547	[46,189]	11,358	0.6%
4B	118,386	[12,432]	105,954	5.7%
4C	17,697	[5,886]	11,811	3.1%
4D	<u>18,210</u>	<u>[14,729]</u>	<u>3,481</u>	<u>0.6%</u>
TOTALS	1,300,209	[373,456]	926,753	2.5%

Sablefish Area	Underages (All Pounds)	Overages (All Pounds)	Net Pounds	Percent of 1995 TAC
AI	196,243	[8,408]	187,835	6.4%
BS	95,715	[12,524]	83,191	5.9%
CG	272,294	[151,146]	121,148	0.8%
SE	223,210	[125,891]	97,319	0.7%
WG	120,685	[46,242]	74,443	1.6%
WY	111,224	[80,253]	30,971	0.4%
TOTALS	1,019,371	[424,464]	594,907	1.3%

Applications, Initial Issuance and Appeals

Throughout 1994 and 1995, the RAM Division received and processed over 5,900 Requests for Application (RFAs) for halibut QS and almost 2,000 RFAs for sablefish QS, each of which represented an application for either halibut or sablefish QS (in appropriate IFQ Regulatory Areas and vessel categories). Because each application could result in issuance of more than one type of QS, the following table (which you have seen before) displays the numbers of both blocked and unblocked QS Certificates that have been issued (including those issued for CDQ compensation):

	<u>Halibut</u>	<u>Sablefish</u>	<u>Total</u>
Blocked Permits (73%)	5,900	1,360	7,260
Unblocked Permits (27%)	1,610	1,020	2,630
Total QS Permits Issued:	7,510	2,380	9,890

These numbers are rounded and may not be precise. More detailed information on initial issuance of QS (by IFQ area and residence, for instance) is under development and will be reported as part of the multi-agency IFQ research effort.

An applicant who fails to demonstrate his/her eligibility for QS, or some related claim (vessel category, qualifying pounds, etc.), is issued an Initial Administrative Determination (IAD) by the RAM Division. The Division has issued approximately 1,600 such Determinations. The following table displays the numbers of IADs issued, disaggregated to show the reasons for denials:

<u>Reason</u>	<u>Number of Denials</u>
Untimely Applications	101
Not Eligible for Quota Share	1,190
Conflicts with other Applicants	136
Denied Vessel Category Claim	22
Partial Denial of Claimed Pounds	134
Multiple Reasons/Miscellaneous	<u>13</u>
TOTAL DENIALS	1,596

* Conflicts, by definition, involve at least 2 applicants; these data display the number of applicants.

These represent virtually all denied claims to initial issuance of QS. Although a few more claims continue to trickle in, only a handful remain that have not been addressed with an IAD.

Appeals

As of January 26, 1996, only 151 appeals of Initial Determinations had been lodged with the Office of Administrative Appeals. Twenty-six final decisions had been issued, and a number of additional appeals had been processed; final decisions on those were under preparation, and should be issued soon.

The following summarizes the appeals activity (through 1/26/95):

<u>Category</u>	<u>IADs</u>	<u>Appeals</u>	<u>Decisions</u>
Late Applications	101	31	11
Conflicts (parties)	136	41	7
Pounds Claimed	134	27	6
Vessel Category	22	6	
Ineligible	1,190	45	2
Miscellaneous	<u>13</u>	<u>1</u>	<u> </u>
TOTALS	1,596	151	26

Note: Approximately 10 conflict cases have been settled by the parties. Two of the decisions are subject to reconsideration by the Appeals Officer.

Overall, the numbers of appeals has been gratifyingly small. Although there may be a number of reasons for this, I believe that the most important ones are a function of the elements of program design adopted by the Council; for instance:

- * there are no provisions for the issuance of "interim" QS (e.g., pending completion of an IAD, while an appeal is being finalized, etc.);
- * QS was originally issued in any amount (no "threshold" amount of landings was required, so all who were eligible received some QS);
- * applicants were allowed to qualify during any one of three years, and any two of an applicant's least successful years were dropped from the QS calculation; and,
- * the decision to disallow claims based on "hardships" or other "una-voidable circumstances," thereby obviating the need for lengthy evidentiary hearings on factual matters.

In addition to the above, the RAM Division prepared complete and detailed explanations of denials (through the IAD process); as a result, it appears that many applicants whose claims were denied chose not to appeal from the IAD.

Transfers of Quota Share

As of last week (January 24), the RAM Division had completed processing a total of 1,786 transactions involving the transfer of QS (by permanent transfer, lease, or "sweep-up"). By far the largest number of permanent transfers have involved halibut QS (1,268 halibut transfers v. 363 sablefish transfers), while the opposite is true of leases (77 sablefish leases v. 31 halibut leases).

There continues to be a net gain of QS in the hands of Alaskans. A summary of transfer data follows:

To *from*
In the halibut fishery, 166 permanent transfers to Alaskans from non-Alaskans and 144 permanent transfers ~~from non-Alaskans to~~ Alaskans yielded a net gain of QS to Alaskans in the amount of 2,244,743 units. Leases of halibut QS (and IFQ) during 1995 season resulted in an additional 299,045 units of QS being temporarily transferred to Alaskans.

To *from*
In the sablefish fishery, 54 permanent transfers to Alaskans from non-Alaskans and 40 permanent transfers ~~from non-Alaskans to~~ Alaskans yielded a net gain of QS to Alaskans in the amount of 895,750 units. Leases of halibut QS (and IFQ) during 1995 season resulted in an additional 3,478,140 units of QS being temporarily transferred to Alaskans.

Note: The designation of a person as an "Alaskan" or a "non-Alaskan" is premised upon the addresses provided by the parties; no attempt is made to verify a person's legal residence.

There have not been large numbers of "sweep-ups" of very small blocks of QS (a total of 32 halibut "sweep-ups" have been processed, while only 15 sablefish sweep-ups have been approved).

New Entrants to the Fisheries

A feature of the IFQ program is that only those who received QS by initial issuance and those individuals who qualify as "IFQ Crew Members" (by demonstrating that they have served at least 150 days on the harvesting crew in any U.S. fishery) may receive unrestricted Catcher Vessel QS (i.e., Catcher Vessel QS that yields IFQ) by transfer. Those who have gained the status of eligibility to receive QS and IFQ by transfer are issued Transfer Eligibility Certificates (TECs).

As of January 24, 1996, the RAM Division had received and processed almost 900 applications for TECs from individuals who did not receive QS by initial issuance. A total of 862 applications were approved (a handful were denied pending receipt of additional information).

Upon approval of their applications, a total of 322 individuals actually entered the fishery for the first time as recipients of QS by transfer. Of those, 243 (75.5%) were Alaskans, while 79 (24.5%) were non-Alaskans.

Research on the Performance of the IFQ Program

The Division is committed to the effort to periodically and comprehensively conduct research on the verifiable performance outcomes of the IFQ Program. To that end, we have worked with an inter-agency "IFQ Research Planning Team" to set in motion the necessary work. For your information, the summary table of the Team's September report to the Council is attached.

The "government shut-down" in late December and early January is causing the Planning Team to re-think its commitment to having completed reports available by April; in fact, it may be more reasonable to complete the reports by June, although no formal decision on that time frame has been made.

Of the three major reports to be completed (Conservation, Distributional Effects, and Community/Individual Impacts), only preliminary work has begun. Consider:

- * The Conservation report, to be compiled by the Alaska Fisheries Science Center (NMFS), has not been initiated, though the International Pacific Halibut Commission has conducted a preliminary analysis of some of the changes in the halibut fishery resulting from the IFQ program.
- * the State Commercial Fisheries Entry Commission (CFEC), in cooperation with the RAM Division, has begun a preliminary analysis of the distributional questions raised by the program (i.e., who got QS, how much did they get, and how has that changed as a result of transfers?). The CFEC work is to be accomplished under contract with NMFS, and delays in approving the NMFS FY96 budget have frustrated those efforts.
- * the State Departments of Commerce and Economic Development and Fish and Game, together with the University of Alaska's Institute of Social and Economic Research (ISER) have prepared, and are ready to distribute, surveys to QS holder and registered buyers. When compiled, the data resulting from those surveys will be used to address such issues as changes in fishing operations, ex-vessel and wholesale price changes, etc.

1996 Program Changes

Together with the IFQ Implementation Workgroup, the Council has been reviewing possible changes to the IFQ program. A few minor changes have already been adopted (for instance,

allowing fishing in multiple regulatory areas and the change that relieves transfer restrictions on CDQ compensation QS by allowing recipients to transfer such QS across vessel length categories), and are now being implemented.

Under consideration by the Council are changes to the amounts of QS that can be "swept up" into blocks (in order to encourage consolidation of small, otherwise blocked, units); further, a proposal to allow "fishing down" IFQ (i.e., fishing larger vessel IFQ on smaller vessels, but not the other way around) is also moving forward to final Council action. If adopted by the Council (and subsequently approved by the Secretary), both of these changes could be in effect during the 1996 season.

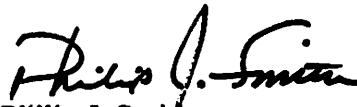
Other pending changes include easing some enforcement provisions, allowing for temporary (emergency) transfers of IFQ in certain circumstances, establishing rules to govern estates' rights to IFQ when the QS holder passes on, and a variety of smaller technical changes.

Conclusion

The 1995 IFQ season went well. Although there were some "glitches" in the system (most notably, problems with the electronic transaction terminals), the overall season went smoothly. I understand that Stephen Meyer has prepared an Enforcement Report that shows that the same thing can be said of the enforcement effort.

Working together, any 1995 problems that were encountered can be corrected during 1996. We look forward to making the effort.

Sincerely,



Philip J. Smith
Chief, RAM Division

Attach:

1. Table: "1995 IFQ Allocations and Landings" (1/17/96)
2. Table: "Total IFQ Landings -- Pounds & Percentages by Port" (1/17/96)
3. Table: "Transfers of QS and IFQ" (1/24/96)
4. Table: "Summary of IFQ Research Activities (9/95)

1995 Individual Fishing Quota (IFQ) Allocations and Landings

From 01-MAR-1995 through 31-DEC-1995

Area	Species	Vessel Landings	Total Catch Pounds	<----- Tac ----->		
				Allocation Pounds	Remaining Pounds	Percent Remaining
2C	halibut	3,071	7,804,538	9,000,000	1,195,462	13
3A	halibut	2,957	18,077,453	20,000,000	1,922,547	10
3B	halibut	503	3,204,197	3,700,000	495,803	13
4A	halibut	225	1,576,363	1,950,000	373,637	19
4B	halibut	89	1,314,583	1,848,000	533,417	29
4C	halibut	129	299,441	385,000	85,559	22
4D	halibut	30	431,768	539,000	107,232	20
4E	halibut	0	0	0	0	0
Total		7,004	32,708,343	37,422,000	4,713,657	13
SE	sablefish	1,011	12,154,425	12,996,900	842,475	6
WY	sablefish	417	8,014,479	8,586,917	572,438	7
CG	sablefish	847	13,991,211	15,167,648	1,176,437	8
	sablefish	186	3,903,548	4,585,568	682,020	15
AI	sablefish	98	1,952,406	2,910,072	957,666	33
BS	sablefish	105	974,395	1,410,944	436,549	31
Total		2,664	40,990,464	45,658,049	4,667,585	10

Notes:

1. This report summarizes fixed gear IFQ landings reported by Registered Buyers. At sea discards are not included.
2. Halibut weights are reported in net (headed and gutted) pounds. Sablefish weights are reported in round pounds.
3. "Vessel Landings" include the number of landings by participating vessels reported by IFQ regulatory area. Each such landing may include harvests from more than one IFQ Permit Holder.
4. Due to rounding, percentages may not total to 100%.
5. Data are derived from initial data entry procedures and are preliminary. Future review and editing may result in minor changes.

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Prepared: 17-JAN-96 08:41
Restricted Access Mgmt Division
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1995 Community Development Quota (CDQ) Allocations and Landings

From 01-MAR-1995 through 31-DEC-1995

Area	Species	Vessel Landings	Total Catch Pounds	<----- Tac ----->		
				Allocation Pounds	Remaining Pounds	Percent Remaining
4B	halibut	10	333,522	462,000	128,478	28
4C	halibut	375	389,198	385,000	4,198	1
4D	halibut	115	229,279	231,000	1,721	1
4E	halibut	382	125,207	120,000	5,207	4
Total		882	1,077,206	1,198,000	120,794	10
AI	sablefish	18	442,080	727,649	285,569	39
BS	sablefish	12	117,130	352,800	235,670	67
Total		30	559,210	1,080,449	521,239	48

Notes:

- This report summarizes fixed gear CDQ landings reported by Registered Buyers. At sea discards are not included.
- Halibut weights are reported in net (headed and gutted) pounds. Sablefish weights are reported in round pounds.
 - "Vessel Landings" include the number of landings by participating vessels reported by IFQ regulatory area. Each such landing may include harvests from more than one CDQ Permit Holder.
 - Due to rounding, percentages may not total to 100%.
 - Data are derived from initial data entry procedures and are preliminary. Future review and editing may result in minor changes.

Total IFQ Landings - Pounds and Percentages by Port

From 01-MAR-1995 To 31-DEC-1995

Port	Halibut			Sablefish		
	Vessel Landings	Pounds Landed	% of Total	Vessel Landings	Pounds Landed	% of Total
ALASKA						
AKUTAN	25	47,964	0.15	3	134,116	0.33
ANCHORAGE	13	46,075	0.14			
ANGOON	106	60,078	0.18			
ATKA	3	896	0.00			
BEAVER INLET				1	2,520	0.01
CHIGNIK	14	70,123	0.21	1	3,446	0.01
CORDOVA	168	891,898	2.73	82	1,512,337	3.69
CRAIG	207	330,082	1.01	39	287,363	0.70
DUTCH HBR/UNALASKA	306	2,835,748	8.67	270	5,522,956	13.47
EDNA BAY	28	13,331	0.04			
ELFIN COVE	78	87,750	0.27	8	49,179	0.12
EXCURSION INLET	43	157,723	0.48	24	324,171	0.79
FALSE PASS	2	1,398	0.00	5	322,986	0.79
GUSTAVUS	52	57,563	0.18			
HAINES	36	32,829	0.10	1	216	0.00
HOMER	724	3,092,813	9.46	156	1,444,437	3.52
HOONAH	371	901,159	2.76	89	804,321	1.96
HYDER	4	1,573	0.00			
JUNEAU	197	443,685	1.36	19	181,592	0.44
KAKE	130	375,490	1.15	16	296,170	0.72
KASILOF	2	6,557	0.02			
KENAI	100	247,910	0.76	11	235,024	0.57
KETCHIKAN	189	477,097	1.46	47	465,824	1.14
KING COVE	85	531,944	1.63	41	767,495	1.87
KLAWOCK	13	31,927	0.10	5	20,724	0.05
KODIAK	890	7,495,551	22.92	289	4,586,260	11.19
METLAKATLA	20	53,810	0.16			
NIKISKI	10	34,647	0.11	2	49,220	0.12
NINILCHIK	33	97,289	0.30	1	95	0.00
PELICAN	282	867,033	2.65	206	2,102,869	5.13
PETERSBURG	518	2,353,566	7.20	106	1,731,187	4.22
PORT ALEXANDER	59	69,139	0.21	6	23,069	0.06
SAND POINT	88	379,246	1.16	25	646,877	1.58
SELDOVIA	10	2,148	0.01			
SEWARD	456	2,777,243	8.49	431	9,123,673	22.26
SITKA	956	2,840,408	8.68	522	6,014,573	14.67
SKAGWAY	3	4,015	0.01			
ST GEORGE	62	21,810	0.07			
ST PAUL	56	196,298	0.60	2	3,673	0.01
TENAKEE SPRINGS	2	487	0.00			
THORNE BAY	1	3,234	0.01			
VALDEZ	51	126,217	0.39	16	197,561	0.48

National Marine Fisheries Service
P.O. 21668
Juneau Ak 99802-1668

Prepared: 17-Jan-96 08:41
Restricted Access Mgmt Division
(800) 304-4846

Total IFQ Landings - Pounds and Percentages by Port

From 01-MAR-1995 To 31-DEC-1995

Port	Halibut			Sablefish		
	Vessel Landings	Pounds Landed	% of Total	Vessel Landings	Pounds Landed	% of Total
WHITTIER	41	91,441	0.28	1	149	0.00
WRANGELL	173	473,862	1.45	7	32,593	0.08
YAKUTAT	202	630,466	1.93	124	2,338,166	5.70
CALIFORNIA						
EUREKA				1	38,152	0.09
FORT BRAGG	1	141,478	0.43			
OREGON						
ASTORIA	2	12,561	0.04			
AURORA	1	10,359	0.03			
LINCOLN CITY	1	7,163	0.02	1	2,316	0.01
WARRENTON	6	213,232	0.65	3	18,975	0.05
WASHINGTON						
ANACORTES	4	40,603	0.12	1	2,487	0.01
BELLEVUE	4	28,486	0.09	2	96,886	0.24
BELLINGHAM	73	1,415,582	4.33	45	593,231	1.48
EDMONDS	1	50,248	0.15			
GRANITE FALLS				1	7,220	0.02
ILWACO	2	31,252	0.10	1	1,867	0.00
LA CONNER	7	67,756	0.21	1	759	0.00
PORT ORCHARD	1	675	0.00			
PORT TOWNSEND	2	42,528	0.13			
RANIER	1	5,579	0.02			
SEATTLE	44	851,404	2.60	31	779,939	1.90
CANADA						
PRINCE RUPERT	42	483,073	1.48	19	209,950	0.51
UNKNOWN						
AT SEA	1	21,661	0.07	1	11,905	0.03
UNKNOWN	2	23,180	0.07	1	1,935	0.00

Total IFQ Landings - Pounds and Percentages by Port

From 01-MAR-1995 To 31-DEC-1995

Port	----- Halibut -----			----- Sablefish -----		
	Vessel Landings	Pounds Landed	% of Total	Vessel Landings	Pounds Landed	% of Total
Total	7,004	32,708,343	100.03	2,664	40,990,464	99.99

Notes:

1. This report summarizes fixed gear IFQ landings reported by Registered Buyers. At sea discards are not included.
2. Halibut weights are reported in net (headed and gutted) pounds. Sablefish weights are reported in round pounds.
3. "Vessel Landings" include the number of landings by participating vessels reported by IFQ regulatory area. Each such landing may include harvests from more than one IFQ Permit Holder.
4. Landings at different harbors in the same general location (e.g. "Juneau, Douglas, and Auke Bay") have been combined to report landings to the main port (e.g. "Juneau").
5. Due to rounding, percentages may not total to 100%.
6. Data are derived from initial data entry procedures and are preliminary. Future review and editing may result in minor changes.

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for Transfers Between Nov-94 and Jan-96
sablefish

Transfers of Quota Shares and Individual
Fishing Quota Between Alaskans and Non-Alaskans

Area	To Alaska		From Alaska		Inside Alaska		Outside Alaska		Area Totals	
	Count	QS Units	Count	QS Units	Count	QS Units	Count	QS Units	Count	QS Units
SE	18	999,258	17	344,667	71	3,228,365	37	1,713,802	143	6,286,092
WY	10	520,267	6	620,155	30	1,209,352	24	910,677	70	3,260,451
CG	17	1,443,599	10	976,636	50	3,086,327	24	2,274,311	101	7,780,873
WG	5	367,779	4	316,325	9	610,028	6	280,269	24	1,574,401
AI	3	199,814	2	373,577	5	56,394	4	1,085,005	14	1,714,790
BS	1	8,273	1	11,880	4	394,698	5	232,224	11	647,075
TL	54	3,538,990	40	2,643,240	169	8,585,164	100	6,496,288	363	21,263,682

Leases of Quota Shares and Individual
Fishing Quota Between Alaskans and Non-Alaskans

Area	To Alaska		From Alaska		Inside Alaska		Outside Alaska		Area Totals	
	Count	QS Units	Count	QS Units	Count	QS Units	Count	QS Units	Count	QS Units
SE	7	399,805	1	110,053	3	182,874	5	566,677	16	1,259,409
WY	4	131,180	0	0	3	183,492	7	572,431	14	887,103
CG	6	1,473,242	0	0	3	274,280	7	1,155,262	16	2,902,784
WG	3	577,971	1	43,416	0	0	8	3,097,111	12	3,718,498
AI	1	277,356	0	0	1	13,499	9	6,154,374	11	6,445,229
BS	2	772,055	0	0	0	0	6	1,236,883	8	2,008,938
TL	23	3,631,609	2	153,469	10	654,145	42	12,782,738	77	17,221,961

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sablefish

Sweep-ups of Quota Shares and Individual
Fishing Quota Between Alaskans and Non-Alaskans

Area	To Alaska		From Alaska		Inside Alaska		Outside Alaska		Area Totals	
	Count	QS Units	Count	QS Units	Count	QS Units	Count	QS Units	Count	QS Units
SE	0	0	2	4,095	8	6,193	0	0	10	10,288
WY	0	0	0	0	1	678	0	0	1	678
CG	0	0	1	1,121	2	13,543	1	6,356	4	21,020
WG	0	0	0	0	0	0	0	0	0	0
AI	0	0	0	0	0	0	0	0	0	0
BS	0	0	0	0	0	0	0	0	0	0
TL	0	0	3	5,216	11	20,414	1	6,356	15	31,986

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for Transfers Between Nov-94 and Jan-96
halibut

Transfers of Quota Shares and Individual
Fishing Quota Between Alaskans and Non-Alaskans

Area	To Alaska		From Alaska		Inside Alaska		Outside Alaska		Area Totals	
	Count	QS Units	Count	QS Units	Count	QS Units	Count	QS Units	Count	QS Units
2C	55	1,292,174	44	1,204,231	310	7,253,249	51	1,359,301	460	11,108,955
3A	81	4,918,772	49	2,934,662	365	18,146,859	59	4,107,858	554	30,108,151
3B	16	929,843	15	810,791	101	3,994,093	17	1,424,332	149	7,159,059
4A	11	308,904	36	308,346	37	940,666	4	70,308	88	1,628,224
4B	3	53,080	0	0	7	302,319	2	41,700	12	397,099
4C	0	0	0	0	3	105,330	0	0	3	105,330
4D	0	0	0	0	1	39,715	1	69,848	2	109,563
4E	0	0	0	0	0	0	0	0	0	0
T1	166	7,502,773	144	5,258,030	824	30,782,231	134	7,073,347	1268	50,616,381

Leases of Quota Shares and Individual
Fishing Quota Between Alaskans and Non-Alaskans

Area	To Alaska		From Alaska		Inside Alaska		Outside Alaska		Area Totals	
	Count	QS Units	Count	QS Units	Count	QS Units	Count	QS Units	Count	QS Units
2C	2	29,720	2	116,027	1	13,354	2	11,159	7	170,260
3A	3	277,599	0	0	4	198,607	5	925,587	12	1,401,793
3B	1	107,753	0	0	2	214,536	2	169,280	5	491,569
4A	0	0	0	0	2	118,108	2	110,076	4	228,184
4B	0	0	0	0	1	34,428	2	189,889	3	224,317
4C	0	0	0	0	0	0	0	0	0	0
4D	0	0	0	0	0	0	0	0	0	0
4E	0	0	0	0	0	0	0	0	0	0
T1	6	415,072	2	116,027	10	579,033	13	1,405,991	31	2,516,123

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for Transfers Between Nov-94 and Jan-96
halibut

Sweep-ups of Quota Shares and Individual
Fishing Quota Between Alaskans and Non-Alaskans

Area	To Alaska		From Alaska		Inside Alaska		Outside Alaska		Area Totals	
	Count	QS Units	Count	QS Units	Count	QS Units	Count	QS Units	Count	QS Units
2C	2	2,409	1	3,999	8	14,067	0	0	11	20,475
3A	1	2,039	0	0	15	34,177	0	0	16	36,216
3B	0	0	2	2,970	1	3,964	0	0	3	6,934
4A	0	0	0	0	2	9,068	0	0	2	9,068
4B	0	0	0	0	0	0	0	0	0	0
4C	0	0	0	0	0	0	0	0	0	0
4D	0	0	0	0	0	0	0	0	0	0
4E	0	0	0	0	0	0	0	0	0	0
T1	3	4,448	3	6,969	26	61,276	0	0	32	72,693

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Count of Alaskans/Non-Alaskans obtaining Transfer Eligibility Certificates by demonstrating IFQ Crew Member (crewmember) status, and entering the fishery by receiving QS by transfer. These are individuals who did not receive QS by initial issuance.

Number of Alaskan "crewmembers" receiving Transfer Eligibility Certificate:	652
Number of non-Alaskan "crewmembers" receiving Transfer Eligibility Certificate:	210

Total Transfer Eligibility Certificates Issued:	862

Number of "crewmembers" who have received sablefish QS by transfer (by IFQ area)

Area	Alaskans	non-Alaskans
-----	-----	-----
AI	2	1
BS	0	3
CG	13	6
SE	20	24
WG	1	4
WY	12	7

Number of "crewmembers" who have received halibut QS by transfer (by IFQ area)

Area	Alaskans	non-Alaskans
-----	-----	-----
2C	91	37
3A	125	34
3B	28	9
4A	16	4
4B	3	1
4C	1	0
4D	1	1

Number of "crewmembers" who have received QS by transfer (sablefish)
Alaskan : 35
non-Alaskan: 32

Number of "crewmembers" who have received QS by transfer (halibut)
Alaskan : 225
non-Alaskan: 64

Number of "crewmembers" who have received QS by transfer (both species, all areas)
Alaskan : 243
non-Alaskan: 79

Summary of Planned IFQ Research Activities

(September, 1995)

Report Element	Topics to be Addressed (Extract)	Responsible Agency(ies)	Expected Completion	Comments
Distributional Issues	<ol style="list-style-type: none"> 1. Comparing expected allocation against actual 2. Analysis of initial distribution of QS 3. Analysis of changes resulting from transfers 4. Report of landings of IFQ halibut/sablefish 	State/CFEC	April, 1996 with annual updates	Work to be funded by NMFS, with CFEC participation.
Conservation Issues	<ol style="list-style-type: none"> 1. Fishing mortality from gear loss 2. By-catch & discard analysis 3. High-grading and underreporting 4. Pressure to raise and/or exceed TACs 	NMFS/AFSC	April, 1996 with annual updates	Observer and log-book data, together with IPHC information will be used.
Community Impacts	<ol style="list-style-type: none"> 1. Survey work and economic modeling for projecting outcomes from IFQ program (independent, "stand-alone" project) 	UAA/ISER	April, 1996 (portions earlier)	ISER has an S/K Grant for this project.
Community & Individual Impacts	<ol style="list-style-type: none"> 1. Effects on fishing operations, including hiring and payment of crew and timing of fishing 2. Effects on ex-vessel, wholesale, and retail prices 	State - ISER, DCED & F&G (with RAM data support)	April, 1996 with periodic updates	Survey to be administered to QS/IFQ holders and registered buyers.
Initial Issuance	Who received QS upon initial issuance?	NMFS/RAM	Dec., 1995	Summary report.
Program Costs	Budget & staffing summary	NMFS/RAM	Dec., 1995	One-Time report.
Enforcement Issues	Boardings, citations, budget, etc.	NMFS Enforcement	April, 1996	Could be annual.
Safety Report	Summary of safety data in target fisheries	Coast Guard	April, 1996	Could be annual.
"Gap" Report	Profile of recent participants who did not receive QS by initial issuance	NMFS/RAM and State	April, 1996	One-Time report.

Prepared by: Phil Smith
NMFS/RAM Division; 9/10/95



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

AGENDA B-2

JANUARY 1996

January 18, 1996

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

Dear Chairman ^{Rick} Lauber:

Based on the Council's September 1994 recommendation, NMFS is developing regulations that would require processors participating in the Bering Sea and Aleutian Islands (BSAI) directed pollock fisheries to weigh catch. This letter provides a status report to the Council on the development of these regulations.

NMFS believes that motion compensated belt-conveyor or "flow" scales are the only type of scale currently available for purchase that could accurately weigh at sea in the conditions experienced in the BSAI pollock fisheries. However, these type of scales have never been evaluated by a U.S. weights and measures agency, nor do any performance or use standards currently exist that are fully applicable to these types of scales.

Evaluation of two different models of flow scales during the 1995 pollock Community Development Quota (CDQ) fishery and open access pollock B-season indicate that although these scales are capable of weighing with a high degree of accuracy, consistently accurate weighing has not yet been achieved. Observers performed a series of scale tests by weighing approximately 800 kilograms of fish, first on a motion compensated platform scale (to establish the "known weight" of the fish) and then again on the flow scale. The accuracy of the scale, as measured by the difference between these two weights, varied between 0 percent and 97 percent in individual tests. This level of variability in scale performance would not be acceptable under the current CDQ regulations or any regulations anticipated for the BSAI pollock fishery.

The accuracy of flow scales is determined both by the weighing unit itself and the speed and manner in which fish flow across



the weighing unit. Several different problems occurred that affected the flow of fish across the scales. In one case fish fell onto and across the scale because they were dropping from an overhead conveyor onto the scale. In the other case, the belt loading fish onto the scale was running too fast and fish were stacking up on the scale instead of flowing across it. Other problems included the insertion of material into the side of the conveyor to prevent fish from getting stuck (the material then pressed down on the scale), and a mechanical failure in the conveyor belt motor. NMFS has been working with the processor to identify and address these problems and to improve scale testing procedures. Additional scale performance tests will continue during the 1996 CDQ fisheries and in a Research Permit expected to begin in mid-1996.

In consultation with State and Federal weights and measures agencies, NMFS has developed a proposed certification and testing process for at-sea scales. This action was submitted as an Advance Notice of Proposed Rulemaking (ANPR) to NMFS's headquarters office for review on December 18, 1995. A copy of the review draft ANPR is enclosed.

The ANPR proposes a three-part scale certification and testing process:

1. The first element of the scale monitoring program would be a one-time approval of each model of scale under the National Type Evaluation Program (NTEP). NTEP approval would provide an independent assessment of the performance of the scales against established scale standards before a particular type of scale is purchased or installed on a processor vessel.

NTEP approval is expected to take between 6 months and 1 year from the time the scale is submitted to the testing lab. No motion compensated belt conveyor or "flow" scale has yet been submitted for or received NTEP approval.

2. The second element of the scale monitoring program would require that each scale installed on a vessel be inspected and certified by an "authorized weights and measures inspector." Inspectors would evaluate a flow scale on the basis of a "material" test which would entail weighing fish first on a certified scale and then again on the flow scale.

The difference between the known weight and the flow scale weight would determine whether the flow scale was weighing accurately. After the flow scale was determined to be weighing fish accurately, a standard test weight would be calibrated to the results of the material test.

The initial inspection would be done at the dock and, therefore, would not evaluate the scale's performance at sea or in motion.

3. The third element of the scale monitoring program would be to require periodic at-sea testing of the flow scale using the standard test weight. The standard test weight would be placed on the scale while it was running for ten minutes. The cumulative weight recorded by the scale at the end of the test would be required to be within 3 percent of the cumulative weight recorded during the initial inspection. As long as the scale is recording the weight of the standard test weight within this range, we would assume that the scale was functioning as it did during the initial inspection. The use of the standard test weight would allow evaluation of the scale's accuracy in the conditions under which fish catch would be weighed (in motion rather than dockside).

NMFS believes that the three-part scale certification process would help alleviate the following problems now occurring with the flow scales:

1. Weights and measures inspectors with the necessary training and technical expertise would evaluate the scale's performance rather than placing this responsibility solely on the NMFS-certified observers.
2. The scale system would be tested before, rather than after, the processor started participating in the pollock fishery. Processors would be prohibited from participating in the pollock fishery until their scale was certified.
3. The use of a standard test weight would eliminate the need to weigh large quantities of fish on two different scales while the processor vessels is participating in a fishery,

thereby reducing the time and space required for period scale testing.

Implementation of the scale certification process described in the ANPR is contingent upon NMFS receiving funding to either contract the inspection program to the State of Alaska, Division of Measurement Standards (State) or to establish the program within NMFS. The State has informed NMFS that they cannot provide these inspections without additional staff and budget. Funding for this program has not yet been provided in NMFS's budget.

The procedures described in the ANPR should be published as a proposed rule after the agency that will be responsible for performing the scale inspections has been identified, funded, and given the opportunity to review the proposed procedures. Development of a program to accurately weigh catch at sea is a priority for the Alaska Region. We will continue to work with the weights and measures agencies, the scale manufacturers, and the fishing industry to implement the Council's recommendations as soon as possible.

Sincerely,



Steven Pennoyer
Director, Alaska Region

Enclosure

REVIEW DRAFT
Advance Notice of Proposed Rulemaking
Weighing Catch in the BSAI Pollock Fisheries

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
50 CFR Parts 672 and 675

Groundfish of the Gulf of Alaska; Groundfish of the Bering Sea and Aleutian Islands Area;
Reporting and Recordkeeping

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

ACTION: Advance notice of proposed rulemaking; request for comments.

SUMMARY: NMFS requests comments on this advance notice of proposed rulemaking. If these proposed regulations were implemented, they would require processor vessels participating in the pollock fisheries in the Gulf of Alaska (GOA) and the Bering Sea and Aleutian Islands management area (BSAI) to install scales to weigh catch.

DATES: Comments must be submitted by [insert date 30 days after date of publication in the Federal Register].

ADDRESSES: Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel.
FOR FURTHER INFORMATION CONTACT: Sally Bibb, 907-586-7228.

SUPPLEMENTARY INFORMATION:

The domestic groundfish fisheries in the exclusive economic zone (EEZ) of the GOA and the BSAI are managed by NMFS in accordance with the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP) and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI FMP). The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act. The FMPs are implemented by regulations that appear at 50 CFR parts 672, 675, and 676. General regulations that also govern the groundfish fisheries appear at 50 CFR part 620.

Public comment is requested on the following issues:

1. Is the three-part-scale evaluation and approval process recommended by weights and measures officials necessary to assure that scales on processor vessels provide accurate information about fish weight?
2. How would "authorized weights and measures inspectors" be provided to perform scale inspections if they are not available from Federal or state weights and measures agencies due to staff and budget constraints? Are contract inspectors available? If so, what qualifications would be required for contracted inspectors?
3. If weights and measures inspectors can be identified, how can the location and timing of scale inspections be established to minimize the cost to processor vessels?
4. Belt-conveyor or "in-line flow" scales initially should be tested by comparing the recorded weight of several tons of fish with the known weight of this fish as determined by an independent certified scale. How will relatively small amounts of groundfish be provided to dockside locations in Washington or Alaska over a period of several months in order to test scales on 48 processor vessels?
5. What effect does NMFS' recommendation that scales be used to weigh total catch prior to discard or processing and that the weight of individual species in the catch be determined by applying observers' species composition data to the scale weight have on industry?
6. Are NMFS' cost estimates for purchase and installation of marine scale systems accurate?

The Council Recommendation

The Council initially requested NMFS to analyze a requirement to weigh catch processed at sea in 1990. In June 1994, the Council reviewed an initial draft Environmental Analysis/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) on improving total catch weight estimates in the groundfish fisheries, and the draft analysis was revised based on recommendations from the Council's Statistical and Scientific Committee and Advisory Panel. The revised draft analysis was sent out for public review on September 6, 1994, and presented to the Council at its September 1994 meeting.

The draft EA/RIR/IRFA explained current methods to estimate catch weight by species for all processor and catcher vessel types, and the potential problems with each method. Although NMFS can identify potential sources of uncertainty with current catch estimation procedures, NMFS currently is unable to quantify how these sources of uncertainty affect the accuracy of catch weight estimates.

The draft EA/RIR/IRFA analyzed several alternatives to improve total catch weight estimates including requirements that (1) trawl catcher/processors and motherships provide measured, marked, and certified fish receiving bins to improve observers' volumetric estimates of catch weight, (2) all processors with 100 percent observer coverage weigh all catch before processing or discard, (3) all processors, regardless of observer coverage, weigh all catch, (4) all processors and catcher vessels weigh all catch. In addition, the Council considered an option to require that catch weight be assessed using any method that would provide estimates within a specified range of accuracy.

The draft EA/RIR/IRFA stated that the use of scale weights would not address all of the potential problems identified in the analysis. Observer species composition sampling would still be applied to the total catch weight to estimate the weight of each species or species group in the catch. Although properly designed and maintained marine scale systems provide the equipment necessary to account accurately for fish harvested by any vessel or processor type, no security or monitoring system exists that will guarantee that all fish will be weighed or that information from the scales will be accurately reported to NMFS. The observer can provide an important compliance monitoring role but, even with an observer aboard at all times, compliance cannot be assured. Observers can periodically test the accuracy of the scale and monitor use of the scale when they are on duty, but all activities on vessels that operate round the clock cannot be monitored by one person.

At its September 1994 meeting, the Council recommended that NMFS prepare proposed regulations to require all processors participating in the pollock fisheries to weigh their pollock catch on a scale, rather than to provide for improved volumetric estimates of total catch weight. The Council decided to focus initially only on processors participating in the pollock fisheries for two reasons. First, these fisheries represent the majority of groundfish catch off Alaska. Second, the Council expressed the need for parity in the methods used to estimate catch weight for purposes of the pollock allocations for processing by the inshore and offshore components.

These proposed regulations do not include additional requirements on-shoreside processing plants because these scales already are regulated by state weights and measures agencies. NMFS believes that referencing these requirements or including additional requirements for shoreside plant scale testing or certification would be redundant.

What Will be Weighed?

Although the Council only specified that pollock was to be weighed, NMFS is recommending that all catch in the pollock fisheries be weighed. All catch in the pollock fisheries includes the catch of all pollock, all other groundfish species, and all nonallocated species. In other words, all fish and marine invertebrates must be weighed prior to discard or processing, unless otherwise specified in the regulations (e.g., prohibited species). For trawl catcher/processors or processor vessels taking deliveries of unsorted codends, all catch in each haul or delivery that occurred during a week in which the processor vessel was participating in the pollock fisheries would have

to be weighed before discard or processing. For processors taking deliveries from trawl catcher vessels, all fish delivered by a catcher vessel participating in the pollock fisheries must be weighed before discard or processing. Trawl catcher vessels could continue to discard at-sea before they delivered their catch. Processors could sort catch before weighing if the processors wish to weigh retained catch separately from discarded catch.

NMFS is considering requiring that all catch in the pollock fisheries be weighed for two reasons. First, if scales are to be required on processor vessels, NMFS believes that these scales should be used to improve estimates of the mortality of all fish and marine invertebrates--not just the pollock. Second, this requirement more closely follows current catch estimation procedures for trawl processor vessels, which apply observers' species composition sampling data to total catch weight estimates to estimate the weight of each species in the catch.

Observers currently use two methods to make volumetric-based estimates of total catch weight--codend volume estimates or bin volume estimates. For a codend volume estimate, the observer estimates the volume of fish in the net. For a bin volume estimate, the observer estimates the volume of fish in one or more of the holding bins into which fish are dumped from the net. After the volumetric estimate of catch weight is made, fish are conveyed from the fish holding bins into the factory. Observers sample unsorted catch as it is being conveyed out of the bins to estimate the species composition of the total catch. Almost immediately after the fish are conveyed out of the holding bins, vessel crew sort retained catch from discards.

The use of an accurate and reliable scale to weigh total catch would eliminate the need for the observers' volumetric estimates of total catch weight. However, observers would still need to sample unsorted catch to estimate the distribution of various species in the catch, including prohibited species. A requirement to weigh only pollock rather than total catch would result in the observer continuing to make volumetric estimates of total catch weight in order to estimate the weight of all nonpollock species in the catch. In addition, the requirement to weigh only pollock may add a step to processors' groundfish sorting, unless they are retaining all pollock and putting small and damaged fish into a meal plant. Weighing pollock separately from other groundfish catch would require processors to first sort all pollock from other groundfish, then weigh the pollock, and then sort out the pollock to be retained from that to be discarded.

Weighing at Sea

Scales in shoreside plants are regulated by state and local government agencies based on national standards established by the National Conference on Weights and Measures (NCWM) and published by the U.S. Department of Commerce, National Institute for Standards and Technology (NIST) in Handbook 44. Handbook 44 includes design, use, and performance standards for many different weighing and measuring devices, including several different types of scales. All of the catch from the BSAI and GOA pollock fisheries landed at a shoreside processing plant is reported to be landed in Alaska and is regulated by the Alaska Division of Measurement Standards.

Under Handbook 44 standards, scales in shoreside processing plants usually must weight certified test weights to within 0.20 percent of their known weight. These scales are required to be inspected once or twice a year, and most scales in large processing plants are inspected every 6 months. However, scales in smaller processing plants or in remote locations are often not even tested once a year due to limited staff and budget resources in the Alaska Division of Measurement Standards.

Groundfish catch processed at sea is not regulated by any weights and measures agency for two reasons. First, no commercial transaction occurs when a catcher/processor catches and processes groundfish. Second, even in circumstances where a processor vessel is purchasing catch from an independent catcher vessel in the EEZ, no state or local government has jurisdiction over this transaction. The only activity on processor vessels operating in the EEZ that is regulated by a weights and measures agency is the packaging of processed product by weight (e.g., a 10 kg box of fillets). Although the scales used to pack the fish product by weight are not required to be certified, the accuracy of the net weight indicated on the package label is regulated by the state in which the fish are landed and sold. In other words, while operators processor vessels are not required to have certified scales on board, they are required to report accurate weights on their packaged products. Testing of packaged product weight by a weights and measures inspector generally occurs on shore, if it occurs at all.

Obtaining an accurate weight at sea requires a scale that has the capability to compensate for vessel motion. Marine scales in use, or proposed for use, use information from two weighing units (or "load cells") to calculate an adjustment factor to apply to the scale weight of fish to compensate for the effect of vessel motion. However, most other features of the marine scales are similar to scales of the same general design, such as belt-conveyor scales or hopper scales, that are used on land. Handbook 44 includes standards that can be used to evaluate a marine scale's performance on land, but additional standards will have to be developed to evaluate the scale's performance at-sea or in motion. These standards have not yet been developed because, to date, no marine scale has been used for commercial purposes or within the jurisdiction of a weights and measures agency.

In December 1993, NMFS hosted a meeting with representatives from U.S. and international scale manufacturers. These representatives stated that scales designed to compensate for the effect of vessel motion could achieve a very high level of accuracy, perhaps to within 1 percent of known weight. Three processor vessels currently have motion compensated conveyor scales and weigh fish as the fish move along the conveyor belt between the holding bins and the factory. The same motion compensation technology currently is used in platform scales used to weigh packaged product and in roe grading machines.

NMFS believes that a requirement that a scale weigh standard test weights to within 3 percent of their known weight is achievable under all circumstances under which sorting and processing of groundfish would occur. This accuracy level is well within the accuracy standard recommended

by the scale manufacturers and would provide a satisfactory estimate for fisheries management purposes.

A proposed rule to govern the use of scales in the pollock fishery would include requirements that NMFS believes are necessary to monitor effectively the use of scales and to assure that accurate information is being obtained from the scales in the absence of direct oversight by a weights and measures agency. These requirements are discussed below.

Compliance Monitoring

Processors must notify NMFS as to the type of scale that will be used on the processor vessel. Notification must include a written description of the scale system that will be used to weigh catch and a diagram of the location of the scale or scales on the processor vessel and the location where the observer will sample unsorted catch. Notification is required six months prior to initial installation, major modification, or relocation of a scale. The purpose of this requirement is to assure that on-board test procedures for the particular type of scale have been developed by NMFS in consultation with the scale manufacturer and the weights and measures agencies. In addition, NMFS-certified observers, U.S. Coast Guard personnel, NMFS Enforcement officers, and scale inspectors must be notified in advance of the types of scales they may be expected to evaluate. Currently, NMFS is proposing test procedures only for belt-conveyor scales and hopper scales. No other type of scale will be approved for use by NMFS until the appropriate test procedures have been developed and included in NMFS regulations.

Processors may decide which particular scale or scales to use and where to install these scales, as long as installation or use of the scale does not prevent observers from taking random samples of unsorted catch.

NMFS proposes a monitoring system for scales on-board processor vessels that would comprise three elements. The first element of the scale monitoring program would be a one-time approval of each model of scale under the National Type Evaluation Program (NTEP). NTEP approval would assure that the scale is constructed and performs in the laboratory according to standards set forth in Handbook 44. In addition, the scale would be evaluated under a variety of "influence factors" such as temperature changes and voltage fluctuations. NTEP approval is expected to take between 6 months and 1 year from the time the scale is submitted to the testing lab. No marine scale has NTEP approval or has been submitted for NTEP approval.

NMFS believes that NTEP approval is an important first step in the monitoring process, because it would provide an independent assessment of the performance of the scales against established scale standards before a particular type of scale is purchased or installed on a processor vessel. Assuring that only high quality scales are installed on processor vessels prevents NMFS and the industry from spending time or money on evaluating scales that cannot meet minimum standards. In addition, the State of Alaska requires NTEP approval for motion-compensated belt-conveyor scales, before they can be certified for use in shoreside processing plants.

Scale manufacturers would submit their scales for NTEP approval and provide processors with certification of approval. This certification must be kept on the processor vessel with the scale and be made available to the authorized officer. Four laboratories in the United States are approved by NCWM to provide NTEP certification. The State of California, Division of Measurement Standards in Sacramento, operates the NTEP laboratory for the West Coast.

The second element of the monitoring system would be inspection by a weights and measures inspector of each scale after it is installed on the processor vessel. The inspection of each scale is necessary to assure that the scale is installed properly, the scale weighs accurately when not in motion, the appropriate on-board test weights are calibrated, and the vessel crew understands how to perform the on board test procedure. The inspection would be based on Handbook 44 standards with two exceptions. First, accuracy standards for the scales would be specified in NMFS regulations. Second, scales would be exempted from Handbook 44 requirements for sealed calibration units, because this requirement would prevent the processor vessel crew from performing periodic, necessary calibration of the scale at sea.

Belt-conveyor scale systems, or flow scales, would be evaluated through a "material test," which tests the performance of the scale while weighing the material (i.e., fish) that it was designed to weigh in the specific installation. Because the weight reading from a belt-conveyor scale is a combination of information about the load on the scale and the speed at which material is passing across the scale, static testing, or the placement of a test weight on the scale, will not adequately evaluate the scale's accuracy. The scale must be tested by running material across the scale to evaluate the effect of the conveyor belt installation, the loading and unloading of fish from the scale, the belt speed, and other factors related to the installation of the scale that may affect its accuracy. Simply running a series of metal test weights across the scale is not considered an adequate test of the scale's performance for an annual inspection, because the material will not flow across the scale in the same way as fish, and because it would be difficult to supply enough test weights to test the scale at a capacity similar to its actual use capacity.

Once the scale has passed the material test, a standard test weight would be certified by the weights and measures inspector. The test weight would be a flat, stainless steel bar that could be placed on the scale in contact with the weighing unit of the scale, but not the belt. It would act as a continuous load on the scale for a 10-minute test period. The accumulated weight recorded by the scale at the time of the annual certification would be stamped on the test weight.

The initial inspection by a weights and measures inspector would require vessel owners to schedule and pay for an inspection by either a state weights and measures agency (i.e., State of Alaska or State of Washington inspectors) or a contracted inspector. Officials of the State of Alaska have notified NMFS that it cannot commit to providing inspectors at this time due to budget and staff constraints.

Handbook 44 requires that a belt-conveyor scale be tested with an amount of material equal to the capacity of the scale for 10 minutes. Flow scales with capacities between 50 metric tons per

hour (mt/hr) and 80 mt/hr, would need to be tested with between 8 and 13 mt of fish. The material test of the flow scale could take a full day and would require that an appropriate amount of fish and a certified platform or hanging scale be available at a dockside location for the weights and measures inspector. Because the tests likely would be done outside of the commercial fishing seasons, the Council and NMFS would have to make approximately 500 mt of groundfish available for scale testing. Vessels owners would have to request authorization from the Director, Alaska Region, NMFS (Regional Director) to catch the amount of fish needed for their tests if the tests were performed outside of regular seasons.

The third element of the scale monitoring system would be periodic testing of each scale using the standard test weight. This element is required because the NTEP approval process and the dockside inspections do not test the scale's performance in motion. It is only through periodic tests at sea that the efficacy of the "motion compensation" devices can be assessed. The test weight would be placed on the scale, the scale would run for 10 minutes, and a printed record of the scale weight would be compared with the number stamped on the test weight. The scale would be in compliance with these regulations if the percent difference in the number stamped on the test weight and the number recorded by the scale was 3 percent or less. As long as the scale weighed the standard test weight accurately, and absent other information, NMFS would assume that the scale was continuing to operate as it did upon successful completion of the initial certification.

The certification and monitoring of hopper scales (similar in design to those currently used in several shoreside processing plants) would be much less complicated than belt-conveyor scales. The hopper scales weigh successive batches of fish rather than a flow of fish. For the initial certification, a weights and measures inspector would evaluate the scale using standard, metal test weights in a range of sizes. No test materials or fish would be required. The on board test procedure would involve the use of standard test weights that would periodically be placed on the scale. A comparison of the known weight of the test weights with the scale's recorded weight at sea would indicate whether the scale was weighing within the accuracy standard.

As an additional security measure, the scale would be required to maintain a cumulative record of the number of hours the scale has been operating and the weight of catch passing over or through the scale. This record must be permanent and accessible to the scale operator, the observer, or an authorized officer (read only) but must not be changed or deleted (no write capability). The purpose of this requirement is to provide information about the total catch weighed by the scale with the cumulative reports of catch weight from each haul.

Printed output from the scale on each haul must provide the following information: Starting date and time of haul, total weight of catch in each haul, and end date and time of haul. In addition, the scale must provide a printed record of the scale tests.

Initial Tests of At-sea Scales

One company participating in the 1995 pollock Community Development Quota (CDQ) fisheries installed two different models of belt-conveyor scales on two processors. Two observers were aboard each processor vessel during the CD fisheries, and an additional NMFS staff person was aboard for about 2 weeks. Observers performed limited material tests on these scales by weighing 20 baskets of fish (up to 50 kg of fish per basket) on either a motion-compensated or a beam-balance platform scale and then on the belt-conveyor scales. Test results were highly variable, ranging from less than 0.10 percent difference to almost 50 percent difference in weight between the platform and belt-conveyor scales. The scale on one of the vessels was judged to be improperly installed, because fish were allowed to fall onto the scale rather than flow across it. This likely resulted in inaccurate weights. In addition, the electric motor that drove the conveyor malfunctioned and was not successfully repaired by vessel crew.

These limited tests of scales on processor vessels illustrate several important points. The technology to accurately weigh fish processed at sea exists. However, accurate weight depends on the proper technology, proper installation of the scale, and the proper use of the scale. In other words, an improper installation can negate any benefits of a high quality scale. The proper functioning and installation of the scale must be verified by a qualified weights and measures official prior to use in the fishery. In the absence of this evaluation process, NMFS cannot be assured that accurate weight can be obtained from the scale. NMFS-certified observers cannot perform "material tests" involving weighing a ton of fish on two different scales each day due to time, space, and energy limitations. In addition, observers are not trained to determine whether the scale is properly installed or other technical aspects of the scale installation or operation.

The Number of Processors Affected

In 1994, 66 processor vessels reported as either trawl catcher/processors or motherships taking deliveries from trawl catcher vessels. Of these, 45 trawl catcher/processors and three motherships reported catch in the pelagic or bottom trawl pollock fisheries in the GOA or BSAI. Each of these 48 processor vessels would be required to provide a scale system that is capable of weighing catch before it is processed or discarded. Although these processors could choose to weigh catch in the other groundfish fisheries in which they participate, they would not be required to do so.

Cost of the Scale Requirement to Industry

NMFS estimates that each processor vessel will pay about \$50,000 for each marine scale. One scale manufacturer estimates that a hopper scale system in development will cost about \$20,000 each. However, this scale currently is not available for sale, so the price estimate is uncertain. Installation costs are much more difficult to estimate. Due to space constraints on many processor vessels, the likely need to relocate sorting space and processing equipment, the possibility that more than one scale would be required on some vessels, and the wide range of configurations on individual vessels, the installation cost range for the scales could be between \$5,000 and \$250,000 per vessel. Therefore, the total catch of purchasing and installing marine

scales to weigh groundfish catch on processor vessels may range between \$55,000 and \$300,000.

A variety of other costs are associated with a requirement for vessels to install marine scales, including the cost of reduced efficiency as a result of changes in procedures for harvesting, sorting, discarding, or processing groundfish. For example, sorting space may be reduced and processing equipment may have to be moved to accommodate the scale, possibly reducing the efficiency of the factory. These costs also will vary among the vessels depending on factory configuration. Additional crew time may be required to monitor and record information from the scale and to test, maintain, and repair the scale. Finally, vessel operators may choose to purchase spare parts or a back-up scale depending on the amount of fishing time that could be lost if the scales break down.

List of Subjects in 50 CFR Parts 672 and 675

Fisheries, Reporting and recordkeeping requirements, Incorporation by reference.

Dated:

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 part 672 continues to read as follows:

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

2. § 672.2 is amended to add the following definitions:

Belt-conveyor scale. A device that employs a weighing element in contact with a belt to sense the weight of the material being conveyed and the speed (travel) of the material, and integrates these values to produce total delivered weight.

Hopper scale. A scale designed for weighing bulk commodities whose load-receiving element is a tank, box, or hopper mounted on a weighing element. The scale may be adapted to the automatic weighing of bulk commodities in successive drafts of predetermined amounts.

3. In § 672.24, paragraph (g) is added to read as follows:

§ 672.24 Gear limitations.

* * * * *

(g) Weighing catch in the pollock fisheries in the EEZ. (1) Applicability. Processor vessels participating in the pollock fisheries in the EEZ must weigh all catch on a scale that meets the requirements of this paragraph. A processor vessel is participating in the pollock fisheries if directed fishing for pollock is not prohibited and if, during any weekly reporting

period, the round weight equivalent amount of retained pollock is greater than the round weight equivalent amount of any other retained groundfish species or species groups for which a TAC has been specified under § 672.20 or § 675.20.

(2) Required equipment. (i) The processor vessel must provide a scale or scale system, a printer capable of providing printed output from the scale or scale system, and the appropriate standard test weights as described in paragraph (g)(3)(ii)(A) and (B) of this section. Only belt-conveyor scales and hopper scales as defined at § 672.2 and meeting the certification and use requirements of this paragraph are authorized for use.

(ii) Installation. The scale or scale system must be installed in the conveyor belt system that carries fish from fish holding bins to either processing equipment or a discard chute. The location or use of the scale or scales must not prevent the observer from sampling unsorted catch.

(iii) Notification of proposed scale system. Processor vessel operators must provide the Regional Director with a written description of the scale system that will be used to weigh catch including: The name, manufacturer, and model number of the scale or scales; a diagram of the location of the scale or scales on the processor vessel; and the location where observers will obtain samples of unsorted catch. This notification is required only prior to initial installation, major modification, or relocation of a scale and must be received by the Regional Director six months prior to using the scale to meet the requirements of this paragraph.

(3) Scale certification. Each scale used to weigh catch under this paragraph must meet the requirements of the following three-part scale certification process:

(i) National Type Evaluation Program Certificate of Conformance. The particular model of scale must be certified under the National Type Evaluation Program of the National Conference on Weights and Measures. Application forms may be obtained from the National Institute for Standards and Technology (NIST), Office of Weights and Measures, Building 820, Room 223, Gaithersburg, Maryland, 20899-0000. A copy of the certificate of conformance for each model of scale must be maintained on board the processor vessel at all times.

(ii) Initial installation or modification inspection. Each scale or scale system must be tested and certified by an authorized weights and measures inspector upon initial installation, after major modification or installation of the scale at a different location on the vessel, or at the request of the Regional Director. Scales will be tested in accordance with the National Institute of Standards and Technology (NIST) Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices", 1995 edition adopted by the 79th National Conference on Weights and Measures, which are incorporated by reference, with the exceptions listed in paragraph (g)(3)(ii)(A) and (B) of this section. Copies of Handbook 44 may be obtained from the National Institute for Standards and Technology, Office of Weights and Measures, Building 820, Room 223, Gaithersburg, Maryland, 20899-0000. Copies may be inspected at the NMFS Alaska Regional Office. Written certification must be provided to the

Regional Director prior to January 1 of each year and a copy must be maintained on board the processor vessel at all times. A certification signed by the authorized weights and measures inspector must identify the vessel name, scale model, and date of test; and certify that the scale or scale system meets the standards specified for either belt-conveyor scale systems or hopper scales with the following additional requirements or exceptions.

(A) Belt-conveyor scale systems. Belt-conveyor scales are not required to meet Handbook 44 provisions for sealing in Section 2.21, Paragraphs S.1.7, S.2.2, and UR.1.2. Certification of a belt-conveyor scale requires accurate weighing of fish as determined by a material test followed by calibration of a standard test weight to be used in on board tests of the scale under paragraph (g)(3)(iii) of this section.

(1) Material test. An official test of a belt-conveyor scale system is a material test. The material test must be performed with fish that has been preweighed on the day of the material test on a scale approved by the authorized weights and measures inspector. The scale used to preweigh fish must be tested by the authorized weights and measures inspector immediately prior to running the material test. The weight of fish used in the material test must be equal to the full capacity of the scale operating for 10 minutes. The belt-conveyor scale must weigh the fish to within 1 percent of the weight determined through preweighing.

(2) Standard test weight. The processor vessel must provide a stainless steel bar that fits on the carriage of the scale to be used as a standard test weight for on board scale testing. Calibration of the standard test weight by the weights and measures inspector must be referenced to the results of the material test. The serial number of the scale and the target weight after a 10-minute simulated load test must be stamped on the standard test weight upon successful completion of the material test. The standard test weight must be retained on board the vessel at all times while the processor vessel is participating in the pollock fisheries.

(B) Hopper scales. Hopper scales are not required to meet Handbook 44 provisions for sealing in Section 2.20 Paragraph S.1.11. An official test of a hopper scale system is an increasing-load and decreasing-load test using certified standard test weights provided by the authorized weights and measures inspector and used according to procedures specified in Handbook 44. In addition, a set of standard test weights must be provided by the processor vessel to be used for on board scale testing. The standard tests weights must be stainless steel, must not exceed 10 kg each or 50 kg in total, and must be stamped with the serial number of the scale and the certified weight of the standard. The standard test weight must be retained on board the vessel at all times while the processor vessel is participating in the pollock fisheries.

(iii) On board tests of scale performance. The NMFS-certified observer or any other authorized officer may perform, or witness vessel crew performing, a test of the scale's performance at any time. The procedure for testing a scale's performance must be based on the use of a standard test weight or weights certified by an authorized weights and measures inspector as described in paragraph (g)(3)(ii)(A) and (B) of this section. The standard test

weights must be placed on, in, or across the weighing element of the scale while the scale is operating. The scale must record the weight of the certified test weight to within 3 percent of its certified weight as calculated by subtracting the scale weight from the known weight of the test weights, dividing this difference by the scale weight, and multiplying by 100 $[-3.0 \leq (((\text{certified weight} - \text{scale weight}) / \text{scale weight}) * 100) \leq 3.0]$. The vessel operator must provide the observer with a printed record of the known weight of the certified test weights and the weight recorded by the scale for each test and a printed record of any adjustments to or calibrations of the scale.

(4) Printed reports from the scale. Printed reports from the scale must be maintained on board the processor vessel and be made available to observers and other authorized officers at any time during the current calendar year. Reports must be printed at least once each 24-hour period in which the scale is being used to weigh catch or before any information stored in the scale computer memory is replaced. A printed report must include the following information for each haul: The haul number; month, day, year, and time (to the nearest minute) weighing catch from the haul started; month, day, year, and time (to the nearest minute) weighing catch from the haul ended; and the total cumulative weight of catch in the haul for each haul brought on board the vessel. Scale weights may not be adjusted for the weight of water. The haul number recorded on the scale print-out must correspond with haul numbers recorded in the processor's daily cumulative production logbook. A printed report of any tests, adjustments, calibrations, or other procedures performed on the scale including month, day, year, and time (to the nearest minute) of procedure, name or description of procedure, result of procedure also must be provided. All printed output from scale must be signed by the operator of the processor vessel.

(5) The scale system must record the cumulative number of hours in operation and the cumulative weight recorded by the scale in a format that cannot be edited or erased and that is accessible to the scale operator at any time. This information must be provided in printed form at any time at the request of an observer or other authorized officer.

PART 675--GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

4. The authority citation for part 675 continues to read as follows:

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

5. In § 675.24, a new paragraph (g) is added to read as follows:

§ 675.24 Gear limitations.

* * * * *

(g) Weighing catch harvested in the pollock fisheries. Requirements are set out at § 672.24 (g).