

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke
Executive Director

DATE: September 18, 1995

SUBJECT: Other Groundfish Issues

ESTIMATED TIME

4 Hours

ACTION REQUIRED

- (a) Review groundfish proposals and determine which to process further.
- (b) Receive trawl mesh report and review draft proposed rule to implement trawl mesh regulations.
- (c) Review draft proposed rule to require scale weight measurements of catch in the pollock fishery.

BACKGROUND

Groundfish Proposals

In June, the Council issued a call for amendment proposals. A total of 42 proposals were received; 39 prior to the deadline, 2 after the deadline, and an additional proposal from the GOA plan team. These proposals were reviewed by the plan teams in September. Rather than ranking the proposals, the teams classified them into management actions and primary effects. A summary table of their findings is attached.

There will not be a report from the Plan Amendment Advisory Group (PAAG) as in previous years. Last December, PAAG chairman Bob Mace recommended that the Council discontinue the committee due to the difficulties in prioritizing proposals.

Trawl Mesh

In September 1994, the Council adopted a regulatory amendment that would require top panels of trawl codends to be constructed of single layer square mesh. Minimum sizes adopted were 6-inch (stretched, between knot measure) for the BSAI rock sole fishery and the BSAI and GOA Pacific cod fisheries, and 3.25 inch for the BSAI and GOA pollock fisheries. At the December meeting, the Council revised its preferred alternative to allow diamond or square mesh panels. Draft language for the proposed rule was sent to you last week, and the Council may provide NMFS with some clarification as necessary.

The Alaska Fisheries Development Foundation has prepared a final report of their pollock codend mesh size study. In 1994, they tested pollock escapement from codends with different mesh sizes and configurations. Their results may interest the Council, and researchers will be available to present their results.

Scale Weight Measurements in the Pollock Fishery

In September, 1994 the Council requested NMFS to prepare draft regulations to require all processors in the pollock fishery to weigh pollock catch on a scale. NMFS has prepared a draft proposed rule based on scale evaluation and monitoring procedures recommended by Weights and Measures agency officials. This draft proposed rule has not yet been approved by the Regional Director, however, NMFS is requesting Council comment on the draft with respect to consistency with Council intent. In summary,

- ① No requirements are made of shoreside processors in addition to those currently required by the State of Alaska;
- ② No restrictions are made on at-sea discards by catcher vessels, so complete weighing of all pollock catch is not achieved;
- ③ Processor vessels would be required to weigh all catch in the pollock fisheries prior to discard or processing;
- ④ All catch must be weighed, not just the pollock, in order to substitute the scale weight of total catch for the current observers' volumetric estimate of total catch (this requirement differs from the Council's specific reference to only pollock weights);
- ⑤ Scales used on processor vessels must meet certification or evaluation requirements;
- ⑥ Processor vessels will be required to stop processing or discarding unweighed fish if their scale breaks down or fails to pass at-sea tests.

NMFS staff will be on hand to summarize the rule and also report on the use of scales on two vessels in the 1995 B-season pollock CDQ fishery.

1995 Groundfish Amendment Proposals
Plan Team Review

#	Proposal	Area	Action Required	Primary Effect	Comments
Allocate Pacific cod					
1	to trawl (40%), hook and line (20%), and pots (40%)	GOA	plan	allocative	
3	no directed fishing with trawls	GOA	plan	allocative	
6	no directed fishing with trawls	GOA	plan	allocative	
7	to jig gear, 2%	GOA	plan	allocative	
9	among gear groups: with 20% H&L, 40% pots	GOA	plan	allocative	
24	increase TAC for fixed gear to 55% in 1996, 65% in 1997	BSAI	plan	allocative	option could be examined in Amendment 24 rollover analysis if initiated
26	rollover P.cod allocation of Amendment 24	BSAI	plan	allocative	option could be examined in Amendment 24 rollover analysis if initiated
30	reduce allocation of P.cod by trawl gear	BSAI	plan	allocative	option could be examined in Amendment 24 rollover analysis if initiated
Other actions specific to Pacific cod					
2	exclusive registration for directed P.cod fisheries	BOTH	plan	allocative	
4	no directed fishing for P.cod with trawls after Feb 21	GOA	plan	allocative	
5	close areas 610 and 630 to trawl fishing for P.cod	GOA	plan	allocative	
18	apportion central gulf P.cod TAC seasonally (65/35)	GOA	plan	efficiency/allocative	
22	apportion GOA P.cod TAC seasonally	GOA	plan	efficiency/allocative	
Bycatch allocation					
10	allocate trawl halibut PSC by vessel size ($\leq 134'$)	BSAI	plan	allocative	
11	allocate trawl halibut PSC by vessel size ($\leq 85'$)	GOA	plan	allocative	
12	allocate zone 1 bairdi for P.cod fishery by vessel size ($\leq 134'$)	BSAI	plan	allocative	
13	allocate zone 1 bairdi total by vessel size ($\leq 134'$)	BSAI	plan	allocative	
14	allocate red king crab PSC by vessel size ($\leq 134'$)	BSAI	plan	allocative	
15	allocate H&L halibut PSC by vessel size ($\leq 60'$)	GOA	plan	allocative	
20	implement a vessel bycatch account system for trawl fisheries	BSAI	plan	efficiency	IBQ's adopted for analysis; provides useful options for consideration
27	allocate bycatch species between catcher vessels and c/p	BSAI	plan	allocative	
29	allocate 50% of halibut PSC "savings" to directed fishery	BSAI	plan	allocative/efficiency	
late	set PSC limit for rex sole fishery	BSAI	regulatory	efficiency	catalyst to examine bycatch allocation in flatfish fisheries
License limitation					
16	revise action to allow pelagic trawling in EY and SO	GOA	plan	allocative	L.L. not yet approved; could be addressed by Council before PR
17	revise action to allow processing by catcher vessels	BOTH	plan	allocative	L.L. not yet approved; could be addressed by Council before PR
Pollock season changes					
19	allocate pollock TAC in Central/western GOA into trimesters	GOA	plan	effic./biol./alloc.	may be preferable to have simultaneous openings with BSAI
21	delay pollock B season until September 1	BSAI	regulatory	effic./alloc./biol.	analysis already done (1993)
34	allocate pollock TAC in western GOA into A&B season	GOA	plan	allocative/efficiency	may be preferable to have simultaneous openings with BSAI
35	allocate pollock TAC in BSAI into quarterly releases	BSAI	plan	allocative/efficiency	may be preferable to have simultaneous openings with BSAI
38	require 15-day delay period to fish in pollock B season	BSAI	regulatory	allocative	
IFQ changes					
39	repeal "Siuka Block" provision of the IFQ program	BOTH	plan	efficiency	would increase efficiency of the program
Other changes					
8	close areas with high bycatch of crab to trawl and pot gear	GOA	plan	allocative	some of these areas already closed to trawling
23	move western GOA boundary to 165 W	BOTH	plan	allocative	
25	trip limits for central GOA pollock (100-125 mt/trip)	GOA	plan	allocative	
28	separate out pollock from OY cap and make separate	BSAI	plan	alloc./effic./biol.	
31	establish flatfish VIP rate rather than just yellowfin	BSAI	regulatory	efficiency	catalyst to examine bycatch allocation in flatfish fisheries
32	fluctuate PSC caps with abundance of PSC species	BSAI	plan	alloc./effic./biol.	being analyzed for crab; should be done for halibut. GOA also.
33	VIP rates based on retention rather than sample weights	BOTH	regulatory	efficiency	catalyst to re-examine VIP program
36	make GOA an exclusive registration area	GOA	plan	allocative	
37	restrict size of pelagic trawl footropes in western GOA to 250'	GOA	regulatory	allocative	
late	move Cook Inlet area to State jurisdiction	GOA	plan	allocative	
team	move pelagic shelf rockfish (except dusky) to State jurisdiction	GOA	plan	biological/allocative	submitted by GOA plan team



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

AGENDA D-5(b)
SEPTEMBER 1995
SUPPLEMENTAL

September 5, 1995



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

Dear Rick,

At its December 1994 meeting, the North Pacific Fishery Management Council (Council) requested NMFS to pursue rulemaking to require minimum mesh sizes for trawl codends used in the Pacific cod, pollock and rock sole fisheries. In response to a request by the Council's Advisory Panel, we have delayed submission of the proposed rule to NMFS Headquarters for review and approval until the trawl industry, as well as the Council, is provided the opportunity to review the draft rule to ensure that it meets the Council's intent.

At its September 1995 meeting, we understand that the Council will receive a report of the pollock codend mesh size study that was supported by the Alaska Fisheries Development Foundation. Industry and Council review of the attached draft rule is timely with respect to the results of this study.

Sincerely,

Steven Pennoyer
Director, Alaska Region

Attachment



DRAFT

Billing Code: 3510-22

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration
50 CFR Parts 672 and 675

(Docket No.

Groundfish of the Gulf of Alaska; Groundfish of the Bering Sea
and Aleutian Islands

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations that would require (1) minimum
trawl mesh sizes and a specified design for codends used in the
directed fisheries for Pacific cod, rock sole and pollock in the
Gulf Of Alaska (GOA) and Bering Sea and Aleutian Islands (BSAI)
management areas; and (2) the separation of rock sole from the
other trawl category for purposes of monitoring vessel incentive
program bycatch rates in the BSAI management area. These measures
are necessary to reduce the potential for discard of groundfish.
They are intended to further the objectives of the fishery
management plans for the groundfish fisheries off Alaska.

DATES: Comments must be received at the following address by
(Insert date 30 days after date of filing for public inspection
at the Office of the Federal Register).

ADDRESSES: Comments must be sent to Ronald J. Berg, Chief,
Fisheries Management Division, Alaska Region, NMFS, P.O. Box
21668, Juneau, Alaska, 99802 (Attn: Lori Gravel). Individual
copies of the environmental assessment/regulatory impact
review/initial regulatory flexibility analysis (EA/RIR/IRFA) may
be obtained from the same address.

FOR FURTHER INFORMATION CONTACT: Ron Berg, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

The domestic groundfish fisheries in the exclusive economic
zone (EEZ) of the Gulf of Alaska (GOA) and the Bering Sea and
Aleutian Islands (BSAI) management area are managed by the
Secretary of Commerce in accordance with the Fishery Management
Plan for Groundfish of the Gulf Of Alaska and the Fishery
Management Plan for the Groundfish Fishery of the Bering Sea and

Aleutian Islands (FMP). The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMPs are implemented by regulations that appear at 50 CFR parts 672 and 675. General regulations that also govern the groundfish fisheries appear at 50 CFR part 620.

At times, amendments to regulations at 50 CFR parts 672 and 675 are necessary for conservation and management of the groundfish fisheries. Regulatory amendments proposed by this action would implement the following two management measures: (1) a requirement for minimum trawl mesh sizes and a specified design for codends in the directed Pacific cod, rock sole and pollock fisheries; (2) separation of rock sole from the other trawl category for purposes of specifying and monitoring vessel incentive program (VIP) bycatch rates, and assignment of a maximum allowable rate for rock sole.

A description of, and reasons for, each of these measures follows.

Minimum mesh sizes

At the present time, groundfish regulations governing the North Pacific trawl fisheries do not require a minimum mesh size or a specified design for codends. Although mesh size could be increased voluntarily, this has not been widespread due to Total Allowable Catch (TAC) limits, and the resulting race for fish. The objective of the proposed amendment is to reduce catch and discard amounts of undersized fish, and increase the usable portion of each species' TAC. Furthermore, the amendment is intended to address concerns expressed by the public over discarding, as requested by trawl industry representatives. Reductions in discard may enhance future catches and spawning stocks.

NMFS estimates show that approximately 4 to 8 percent of the pollock, and 3 to 13 percent of the Pacific cod harvested by trawl gear in the 1992 and 1993 BSAI and GOA directed fisheries were discarded. A higher percentage (50 to 58 percent) of rock sole was discarded, which may be explained by the targeting of larger, roe-bearing females in this fishery. Data also indicate that discard rates for these species may be high in other target trawl fisheries. Overall discards of Pacific cod from 1992 and 1993 trawl fisheries were 7 to 15 percent in the GOA, and 29 to 37 percent in the BSAI. Overall discards of pollock from 1992 and 1993 fisheries (primarily trawl gear) were 8 to 18 percent in

the GOA and 9 to 10 percent in the BSAI. Discard rates of rock sole were 63 percent in 1992 and 67 percent in the 1993 BSAI fisheries (all gears).

Reductions in discard rates may be achieved with the use of gear that is selective to larger sized fish of the target species, by adjusting mesh size and configuration in the codend portion of trawl nets, where selectivity generally occurs. Currently, in the directed Pacific cod, rock sole and pollock fisheries, codend mesh is hung in a diamond or square configuration, with sizes ranging from 1.2 to 8 inch, stretched measure (between knot measure). Codend designs include either single, double or triple layer mesh; zero to four rigid riblines; and knot or knotless mesh. Recently, fishing industry representatives have begun to recognize limitations in the use of multi-layer mesh codends. Evidence suggests that selectivity of single layer mesh is superior to that of multi-layer mesh, without a compromise in net strength. Gear technology research has shown that square mesh may improve the selectivity of single layer codends, because meshes do not tend to elongate and close when a longitudinal strain is applied to the net. Comparable escapement levels can be obtained for single layer diamond mesh if the mesh is hung in along riblines, forcing larger mesh openings.

In April 1993, the North Pacific Fishery Management Council (Council) reviewed a proposal from an industry association to require a minimum mesh size in the pollock fishery, for the purpose of reducing discard of under-sized pollock, and bycatch of other species in the GOA and BSAI. In June 1994, based on recommendations by the Advisory Panel and public comment, the Council approved for analysis minimum mesh sizes for top quarter panels of trawl codends for the Pacific cod, walleye pollock, and rock sole fisheries in the GOA and BSAI. The Council subsequently made a final decision in December 1994 to require minimum mesh sizes for codends used in these fisheries.

NMFS proposes this regulatory amendment to require minimum mesh sizes and a specified design for codends, to facilitate enforcement. Should a trawl fail any part of the rule, the vessel operator is in violation of the regulations. The following explains each part of the requirement.

Codends used in the BSAI rock sole fishery, and the GOA and BSAI Pacific cod fisheries, must have a minimum 6 inch stretched measure (between knot measure), single layer square or diamond mesh top panel. For the GOA and BSAI pollock fisheries, a

minimum of 3.25 inch stretched measure (between knot measure), single layer square or diamond mesh top panel would be required. In addition, codends for the above fisheries would require all of the following:

(i) codend top quarter panels must measure no less than 3 feet between top riblines (no less than 12 bars wide of 6 inch mesh, or no less than 18 bars wide of 3.25 inch mesh) for vessels less than 125 feet length overall (LOA); and no less than 4 feet in width (no less than 16 bars in width of 6 inch mesh or no less than 24 bars in width of 3.25 inch mesh) if deployed aboard vessels 125 feet length overall (LOA) and greater;

(ii) a maximum of the aft 3 feet of codends measured along riblines may be equipped with a codend liner of any mesh size; and

(iii) codend top panels may be equipped with a maximum of 6 feet in width of double web for chafing gear under the lifting straps for Pacific cod and rock sole fisheries, and a maximum of 9 feet in width measured along the riblines of double web for chafing gear under the lifting straps for pollock fisheries.

Separation of rock sole from the other trawl category for vessel incentive program bycatch rates

In addition to the above, at its December 1994 meeting the Council made a final decision to require that rock sole be separated from the other trawl category for Vessel Incentive Program (VIP) bycatch rates in the BSAI, and be assigned a maximum allowable bycatch rate. VIP bycatch rates of halibut in the GOA and BSAI trawl fisheries, and red king crab in Zone 1 of the BSAI, are based on the specification of bycatch rate standards that, when exceeded, constitute a violation of the regulations implementing the VIP. Bycatch rates are specified for the following fisheries: BSAI midwater pollock, BSAI bottom pollock, BSAI yellowfin sole, BSAI other trawl fisheries, GOA midwater pollock, and GOA other trawl fisheries. Under the mesh regulation, increased halibut bycatch rates are expected due to lower catch-per-unit-effort (CPUE) in the rock sole fishery. A potential decrease in CPUE for rock sole of 27 to 55 percent, may require a bycatch rate in the order of 46.5 kg of halibut and 3.9 crab per metric ton of groundfish. The proposed regulatory amendment would separate the BSAI rock sole fishery from the BSAI other trawl category, creating a new category for BSAI rock sole fishery VIP bycatch rates. The BSAI other trawl category could remain at 30 kg of halibut and 2.5 crab per metric ton of

groundfish, although this rate may need to be adjusted to accommodate potential changes in CPUE for Pacific cod.

The effect of codend mesh restrictions on halibut and crab bycatch rates in the bottom trawl fisheries for rock sole, pollock, and Pacific cod cannot be quantitatively determined at this time. The potential exists, however, for bycatch rates to increase. Existing regulations allow for a timely assessment of changes in prohibited species' bycatch rates and for an adjustment in specified bycatch rates standards, if appropriate.

Definitions pertinent to the regulatory amendment are set out in the regulations.

Classification

The Assistant General Counsel of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities.

The proposed rule, if adopted, is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. Based on the socioeconomic impacts discussed in the EA/RIR, NMFS concludes that this rule will be insignificant within the meaning of the Regulatory Flexibility Act.

The Council prepared an initial regulatory flexibility analysis as part of the regulatory impact review, which describes the impact the proposed rule would have on small entities, if adopted. A summary of the IRFA follows:

(1) The minimum mesh size regulation is superior to the status quo because fishermen will be required to use gear that is selective to larger sized fish of the target species;

(2) The separation of rock sole from the other trawl category for VIP bycatch rates is superior to the status quo because fishermen will require a revised maximum allowable rate, due to lower CPUE and increased bycatch rates for this fishery. A copy of this analysis is available from NMFS (see ADDRESSES). This proposed rule has been determined to be not significant for purposes of E.O. 12866.

List of Subjects

50 CFR Parts 672 and 675

Fisheries, Reporting and recordkeeping requirements

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 FISHERY 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. In § 672.2, definitions of "bar", "lifting straps", and "ribline" are added in alphabetical order, and the definition of "stretched mesh size" is revised to read as follows:

§ 672.2 Definitions.

* * * * *

Bar means one leg of a mesh.

* * * * *

Lifting strap means a length of line or wire with an eye in either end used to lift a section of the net or codend.

* * * * *

Ribline means a line running longitudinally in the net and codend which provide strength and shape to the net.

* * * * *

Stretched measure or stretched mesh size means the mesh length as measured from the middle of one knot, across the opening of a full mesh pulled tight, to the middle of the next knot. It can also be measured from the top of one knot, across the opening of a full mesh pulled tight, to the bottom of the second knot.

* * * * *

3. In § 672.24, paragraphs (b) (3) and (b) (4) are added to read as follows:

§ 672.24 Gear limitations.

* * * * *

(b) * * *

(3) All trawl codends used to fish for Pacific cod must be

equipped with a minimum 6 inch stretched measure (between knot measure), single layer, square or diamond mesh top panel. All trawl codends used to fish for pollock must be equipped with a minimum 3.25 inch stretched measure (between knot measure), single layer, square or diamond mesh top panel.

(4) All trawl codends used to fish for Pacific cod or pollock shall require all of the following:

(i) Codend top quarter panels must measure no less than 3 feet between top riblines (no less than 12 bars wide of 6 inch mesh, or no less than 18 bars wide of 3.25 inch mesh) for vessels less than 125 feet length overall (LOA); and no less than 4 feet in width (no less than 16 bars in width of 6 inch mesh or no less than 24 bars in width of 3.25 inch mesh) if deployed aboard vessels 125 feet LOA and greater;

(ii) A maximum of the aft 3 feet of codends measured along riblines may be equipped with a codend liner of any mesh size; and

(iii) Codend top panels may be equipped with a maximum of 6 feet in width of double web for chafing gear under the lifting straps for Pacific cod and rock sole fisheries, and a maximum of 9 feet in width measured along the riblines of double web for chafing gear under the lifting straps for pollock fisheries.

* * * * *

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, paragraphs (b)(3) and (b)(4) are added to read as follows:

§ 675.24 Gear limitations.

* * * * *

(b) * * *

(3) All trawl codends used to participate in the fishery for rock sole and Pacific cod must be equipped with a minimum 6 inch stretched measure (between knot measure), single layer square or diamond mesh top panel. All trawl codends used to fish for pollock must be equipped with a minimum 3.25 inch stretched measure (between knot measure), single layer square or diamond mesh top panel.

(4) All trawl codends used to participate in the directed

fishery for rock sole, Pacific cod or pollock shall require all of the following:

(i) Codend top quarter panels must measure no less than 3 feet between top riblines (no less than 12 bars wide of 6 inch mesh, or no less than 18 bars wide of 3.25 inch mesh) for vessels less than 125 feet length overall (LOA); and no less than 4 feet in width (no less than 16 bars in width of 6 inch mesh or no less than 24 bars in width of 3.25 inch mesh) if deployed aboard vessels 125 feet LOA and greater;

(ii) A maximum of the aft 3 feet of codends measured along riblines may be equipped with a codend liner of any mesh size; and

(iii) Codend top panels may be equipped with a maximum of 6 feet in width of double web for chafing gear under the lifting straps for Pacific cod and rock sole fisheries, and a maximum of 9 feet in width measured along the riblines of double web for chafing gear under the lifting straps for pollock fisheries.

* * * * *

6. In § 675.26, paragraph (b) (5) is added to read as follows:

§ 675.26 Program to reduce prohibited species bycatch rates.

* * * * *

(b) * * *

(5) Rock sole fishery. Fishing with trawl gear that results in a retained amount of rock sole during any weekly reporting period that is greater than the retained amount of any other fishery defined under paragraph (b) of this section.

* * * * *

WORKING DRAFT

**PROPOSED RULE TO REQUIRE WEIGHING ALL CATCH
IN THE POLLOCK FISHERIES**

September 20, 1995

NOTE TO REVIEWERS: This working draft is distributed as a status report for the North Pacific Fishery Management Council meeting. Comments are invited.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to require processors to use scales to weigh catch in the pollock fisheries in the Gulf of Alaska (GOA) and the Bering Sea and Aleutian Islands management area (BSAI). This action would require at-sea processors participating the pollock fisheries to install scales to accurately weigh catch. The action is necessary to improve estimates of total catch weight for the pollock fisheries.

SUPPLEMENTARY INFORMATION:

The domestic groundfish fisheries in the 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 and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. The fishery management plans (FMPs) were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson 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.

The Council requested that NMFS analyze a requirement to weigh catch processed at sea. In June, 1994 the Council reviewed an initial draft EA/RIR/IRFA on improving total catch weight estimates in the groundfish fisheries. 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. A summary of this description follows.

Shoreside processors, which include processor vessels operating exclusively within State of Alaska waters, are required to report landed catch weight to both the State of Alaska and to NMFS. The State of Alaska requires that landed catch be weighed on a scale certified by the State of Alaska Division of Measurement Standards and be reported on groundfish "fish tickets". NMFS requires shoreside processors to report the landed weight of catch by species or species group on Daily Catch and Production Logbooks and Weekly Production Reports (WPR).¹ However, no specific requirements as to how processors must determine the weight or species composition of the landed catch are made. Specifically, NMFS currently does not require the use of certified scales. Observers in shoreside processing plants do not provide independent estimates of landed catch weight or species

¹these requirements will be formalized through the current proposed rulemaking for recordkeeping and reporting.

composition, nor do they monitor the scales or sampling procedures used by processors to fill out fish tickets.

Catcher vessels delivering groundfish catch to processors are required to report the estimated weight for each species discarded at sea. However, NMFS uses only information from observers' estimates of discards from observed catcher vessels and applies these rates to the catcher vessel fleet as a whole by area, gear type, and target fishery. Approximately 105 trawl catcher vessels participated in the 1994 BSAI pollock fisheries. Fifteen of these vessels delivered unsorted codends to processor vessels and were, therefore, not required to have observer coverage.

Processor vessels are required to report fish product weight and the estimated weight of whole groundfish discarded at sea by species. NMFS applies standard product recovery rates to the processed product weight information to estimate the round weight of retained groundfish by species. Processor's estimates of discards by species are added to the retained catch estimate calculated by NMFS to obtain the "processor's estimate" of catch.

Observers estimate total catch weight (the "observers' estimate") for all catch made while the observer is aboard the processor vessel. The observers' estimate is a combination of information from observed catch and information from the vessel logbooks for the portion of the catch that occurs while the observer is not available. When observers are aboard a vessel or processor, they are able to estimate the total catch weight and species composition for about 60 percent of the trawl hauls, 75 percent of hook-and-line sets, and 79 percent of the pot haul. The remainder of the catch is processed while the observers are sleeping, eating, or performing other duties.

Observers aboard catcher/processor hook-and-line or pot vessels count each species landed or discarded and apply an average weight to estimate the catch of each species. A combination of information from vessel logs and from observed catch is used to estimate the species composition and weight of unobserved catch.

Observers aboard catcher/processor trawl vessels and motherships receiving groundfish from trawl vessels make an independent volumetric estimate of as much of the total harvest as possible. The total catch is estimated based on either the volume of the codend or the volume of fish placed in receiving bins prior to sorting or discard. The volume estimate is multiplied by a density factor (volume-to-weight conversion factor) to estimate the total weight of groundfish. Density is determined either by observer sampling or, in the pelagic pollock fishery, the use of a standard density factor of .93. Catch composition sampling is used to estimate the weight of each species in the total catch.

Comparison of observers' and processors' estimates of total catch has shown observers' estimates to be systematically higher. For this reason, in 1992, NMFS adopted the "blend" system of estimating total groundfish harvests for catcher/processor and mothership processors. The "blend" compares the observer's and processor's estimates of total catch each week and selects the higher of the two estimates, unless the observer's estimate is within 5 percent of the processor's estimate, in which case the "blend" selects the processor's estimate.

In the analysis presented to the Council, NMFS identified the following sources of uncertainty in current estimates of catch weight which apply to all processor and vessel types:

1. the unknown variability associated with using standard product recovery rates to back-calculate from processed product weight to round weight equivalent;
2. the error associated with vessel and processor reports of at-sea discards;
3. the unknown variability associated with observers' estimates of catch for all processor and vessel types;

4. the unknown variability associated with expanding observers' species composition sampling data to the sampled haul, set, or pot.

Although NMFS can identify potential sources or uncertainty with current catch estimation procedures, we currently are 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 an 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 100 percent observer coverage, 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 which 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 directed fisheries to weigh their pollock catch on a scale rather than be required to provide for improved volumetric estimates of total catch weight. The Council decided to initially focus only on processors participating in the pollock fisheries for two reasons. First, these fisheries represent the majority of groundfish catch. Second, the Council expressed the need for parity in the methods used to estimate catch weight for purposes of the pollock allocation between inshore and offshore processors.

The Council recommendation would formalize the requirement that shoreside processing plants report catch weights based on information from certified scales, and would prohibit processors from reporting scale weights net of any adjustments for water. However, additional requirements for scale testing, monitoring, or reporting would not affect shoreside processing plants, for reasons discussed in a later section.

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 3 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 chose to weigh catch in the other groundfish fisheries in which they participate, they would not be required to do so.

Three catcher/processors currently have belt-conveyor scales onboard to weigh retained pollock catch, however, these scales are not installed in locations that allow for weighing catch that will be discarded.

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 fishery includes the catch of all pollock, all other

groundfish species, and all non-allocated species. In other words, all fish and marine invertebrates must be weighed prior to discard or processing, unless otherwise specified in regulation (prohibited species, for example). For trawl catcher/processors this would mean that all catch in each haul 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 would continue to be allowed to discard at-sea before they delivered their catch. Sorting of catch before weighing will be allowed if the processor wishes to weigh retained catch separately from discarded catch.

NMFS is requesting 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 using 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 are based on applying observers' species composition sampling data to total catch weight estimates to estimate the weight of each species in the catch.

Two methods currently are used by observers to make a volumetric-based estimate 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 in 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 attempt to 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 have to make volumetric estimates of total catch weight in order to estimate the weight of all non-pollock species in the catch. In addition, the requirement to weigh only pollock may also add an additional 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 used for commercial purposes in the U. S. are regulated by state or local government weights and measures agencies based on national standards established by the U.S. Department of Commerce, National Institute of 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.

Scales used in shoreside processing plants are regulated by the Alaska Division of Measurement Standards based on Handbook 44 standards. These scales usually must meet accuracy standards of at least 99.8 percent. In other words, the scale must weigh 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 six 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 State of 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 ten kilogram 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 either by the State in which the fish are landed and sold, or by the U.S. Bureau of Customs, if the packaged product is exported. In other words, while 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 static scales of the same general design, such as belt-conveyor scales or hopper scales. Handbook 44 includes standards which can be used to evaluate a marine scale as a static scale - to determine its performance on land, but additional standards will have to be developed to evaluate the scales' 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 less than one percent. Three processor vessels currently have motion compensated conveyor scales which weigh fish as they 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-certified observers have performed limited tests of these three scales and found that one model appears to perform well and a second model appears to perform poorly.

NMFS proposes that an accuracy requirement of three percent is achievable under all circumstances under which sorting and processing of groundfish would occur. This accuracy level is well within the one percent recommended by the scale manufacturers and would provide a satisfactory estimate from the fisheries management perspective.

This proposed rule to govern the use of scales in the pollock fishery includes 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 at least six months prior to either the initial effective date of this regulation or entry of the processor into the pollock fishery (if entry occurs after the effective date of the regulation) 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. The purpose of this requirement is to assure that onboard test procedures for the particular type of scale in question 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 has developed 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 onboard processor vessels that is comprised of 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 will assure that the scale is constructed and performs in the lab according to Handbook 44 standards for static scales of the same type. In addition, the scale will be evaluated under a variety of "influence factors" such as temperature changes and voltage fluctuations. NTEP approval is expected to take between six months and one year from the time the scale is submitted to the testing lab. No marine scale has NTEP approval, or has even 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 marine scales against static 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 having spend time or money on evaluating scales that cannot meet minimum standards. In addition, the State of Alaska has required NTEP approval for motion compensated "flow scales" before they can be certified for use in shoreside processing plants.

Scale manufacturers must 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 U.S. Coast Guard or NMFS Enforcement. Four laboratories in the U.S. are approved by NIST to provide NTEP certification. The State of California, Division of Measurement Standards in Sacramento, operates the NTEP lab 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, that the scale weighs accurately when not in motion, that the appropriate onboard test weights are calibrated, and that vessel crew understands how to perform the onboard test procedure. The inspection would be based on Handbook 44 standards for static scales 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, must be evaluated through a "materials 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 scales 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 materials test, a standard test weight would be calibrated 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 ten minute test period. The accumulated weight recorded by the scale at the time of the annual certification would be stamped on the test weight.

Annual 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.²

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 metric tons of fish. The materials 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 Regional Director to catch the amount of fish needed for their tests if the tests were performed outside of regular seasons.

The first two requirements of the compliance monitoring system - NTEP approval for the particular model of scale and an inspection of each scale as installed is exactly what would be required by the State of Alaska if a shoreside processor wanted to use a flow scale to weigh catch purchased from fishermen.

The third element of the scale monitoring system would be periodic testing of the scale using the standard test weight. This element is required because the NTEP approval process and the dockside inspections do not test the scales' 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 ten 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 recorded number was within three percent of the number stamped on the scale. As long as the scale weighed the standard test weight accurately, NMFS would assume that the scale was continuing to operate as it did upon successful completion of the annual certification process.

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 are statically weighing successive batches of fish rather than a flow of fish. The annual certification would involve a weights and measures inspector evaluating the scale using standard, metal test weights in a range of sizes. No materials test or fish would be required. The observer test procedure would involve the use of standard test weights that would periodically be hung 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 within the 3 percent 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 cumulative record must be permanent and accessible to the scale operator or the observer (read only) but that cannot 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 information about the haul number; 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.

²The State of Alaska has notified NMFS that they cannot commit to providing inspectors at this time due to budget and staff constraints.

Cost of the Scale Requirement to Industry

Marine scales are costly to purchase and install. NMFS estimates that each processor vessel will pay about \$50,000 for each marine scale. One scale manufacturer estimates the cost of a hopper scale system in development at 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 will be reduced and processing equipment will have to be moved to accommodate the scale, reducing the efficiency of the factory. These costs also will vary among the vessels depending on factory configuration. Additional crew time will 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.

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. In § 672.7 new paragraphs (p) and (q) are added to read as follows

§ 672.7 **Prohibitions.**

* * * * *

(p) process or discard catch harvested by a catcher/processor, or landed by a catcher vessel, participating in the pollock fisheries without weighing the catch on a scale that meets the standards set out at § 672.24.

(q) report a scale weight that has been adjusted for water weight.

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

§ 672.24 Gear limitations.

* * * * *

(h) Weighing catch in the pollock fisheries. (1) General. Each processor that is required to have a fisheries permit under §672.4 of this part must weigh all catch harvested in, or delivered by catcher vessels participating in, the pollock fishery prior to processing or discard on a scale that meets the requirements of §672.24(h)(2) or §672.24(h)(3) of this part. A processor is participating in the pollock fishery 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 of this part.

(2) Shoreside processing. Shoreside processing facilities and processor vessels operating exclusively in Alaska State waters (waters adjacent to the State of Alaska and shoreward of the EEZ) under § 672.5(c) of this part must weigh all landed catch from the pollock fisheries on scales certified by the State of Alaska under Alaska Statute, Title 45, Chapter 75 (Weights and Measures Act) prior to processing or discard from the processor.

(3) Processor vessels operating in the EEZ. All catch harvested by or delivered to processor vessels operating in the EEZ and participating in the pollock fishery must be weighed prior to processing or discard from the processor vessel.

(i) Required equipment. 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 §672.24(h)(3)(B) of this part.

(ii) 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 and a diagram of the location of the scale or scales on the processor vessel six months prior to participating in the pollock fishery.

(iv) Scale certification. Each scale used to weigh catch under this part must meet the following requirements:

(A) the particular model of scale must be certified under the National Type Evaluation Program based on standards set forth in the National Institute of Standards and Technology Handbook 44 and supplements to it, or in any publications revising or superseding Handbook 44. A certification of National Type Evaluation Program approval for each model of scale must be maintained onboard the processor vessel at all times.

(B) Each scale or scale system must be tested 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 by an authorized weights and measures inspector. Written certification, signed by the authorized weights and measures inspector; identifying the vessel name, scale model, and date of test; and certifying that the scale or scale system meets the standards specified in §672.24(h)(3)(B) of this part must be provided to the Regional Director prior to January 1 of each year and a copy must be maintained onboard the processor vessel at all times. The scale must be certified under Handbook 44 standards with the following exceptions or specifications.

(1) Belt-conveyor scale systems. Belt-conveyor scales are not required to meet Handbook 44 standards for security means specified in Section 2.21 Paragraphs S.1.7, S.2.2, and UR.1.2. The materials test must be

performed with fish. The maintenance and acceptance tolerances on materials tests, relative to the weight of the material, shall be plus or minus 1 percent of the test load. The standard test weight must be a single stainless steel bar that fits on the carriage of the scale under the belt. Calibration of the standard test weight by the weights and measures inspector must be referenced to the results of the materials test. The serial number of the scale and the target weight after a ten minute simulated load test must be stamped on the calibration bar upon successful completion of the materials test.

(2) Hopper scales. Hopper scales are not required to meet Handbook 44 standards for security means specified in Section 2.20 Paragraph S.1.11. The standard test 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.

(C) Onboard tests of scale performance. The NMFS-certified observer or any other authorized officer may perform 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 certified standard test weight or weights provided by the scale manufacturer and certified annually by an authorized weights and measures inspector as described in §672.24(h)(3)(iv)(B) of this part. 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 [$((\text{certified weight} - \text{scale weight}) / \text{scale weight}) \leq .03$]. 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. A record of any adjustments or calibration as a result of the test procedure must also be provided.

(v) Printed reports from the scale. Printed reports from the scale must be maintained onboard the processor vessel and be made available to observers and other authorized officers at any time during the current calendar year. Printed reports must be made 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 onboard the vessel. 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.

(vi) 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 § 675.7 new paragraphs (o) and (p) are added to read as follows

§ 675.7 Prohibitions.

* * * * *

(o) process or discard catch harvested by a catcher/processor, or landed by a catcher vessel, participating in the pollock fisheries without weighing the catch on a scale that meets the standards set out at § 672.24.

(p) report a scale weight that has been adjusted for water weight.

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

§ 675.24 Gear limitations.

* * * * *

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

7. In § 675.27, the title and text of paragraph (h)(2) is revised to read as follows:

§ 672.27 Western Alaska Community Development Quota Program (applicable through December 31, 1995).

* * * * *

(h) * * *

(1) * * *

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

**DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT
DIVISION OF MEASUREMENT STANDARDS**

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August 31, 1995

Steven Pennoyer, Director
United States Department of Commerce
National Marine Fisheries Service
P.O. Box 21668
Juneau, AK 99802-1668

Dear Mr. Pennoyer:

We have carefully reviewed your draft proposal, dated August 14, 1995. There are a couple of scenarios that we can offer your agency for the involvement of Alaska Weights & Measures Inspectors in this very ambitious project.

Our original estimate of the \$1500 figure for 48 scale inspection trips was under estimated. A more realistic amount would be \$2000 to \$2500 per trip. The estimated annual cost would be in the \$100,000 range.

The cost estimate is not the determining factor for our involvement in performing scale test for each vessel. The major hurdle to overcome is inspector staffing levels. The pollock season opens in mid-August which coincides with the inspectors current over powering work load. I am assuming that the scale tests would be performed sometime in several months prior to the season opener. Due to our existing and ongoing inspection activities, we could not guarantee prompt response for inspection requests on short notice out of the Anchorage office. This could delay the permitting process by NMFS.

We have discussed another option of hiring a full time inspector and station that individual in Dutch Harbor. By factoring in the 48 annual inspections for your agency, there would be a work load available to support a full time inspector in Dutch Harbor. This would provide the scheduling of timely inspections of the processing vessels throughout the periods of the year that would be required. An inspector stationed in the area would be our preference.

**Steven Pennoyer, Director
United States Department of Commerce
National Marine Fisheries Service
August 31, 1995**

There are a number of issues that we currently encounter during the inspection process. The processing vessel owners or operators would need to fully understand that total cooperation would be required to complete the inspections. The time required will vary depending on the location and selection of the weighing device. Hopper scale inspections will not require as much time as a flow/belt scale.

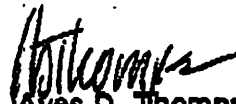
The amount of time to "run" 5-10 metric tons across the scale has not yet be determined. In any event, several passes of the total amount of product would be required to fulfill repeatability requirements. Crew members on board would be required to assist in the moving and weighing of the product. The deck scale or hanging scale that is located on the dock, would have to set up and certified prior to the inspection process. A repair company representative would need to readily available to adjust the scales, if necessary. Totes or containers would have to be available to store the fish once weighed on board, then quickly moved to a scale for a comparison weight. In the event the scale fails the inspection, adjustment would be required and the entire process would begin again. We would complete one inspection and then move on to the next system on another vessel. We would request the assistance of NMFS personnel in scheduling of the inspection process.

There are many details in an project of this magnitude. We are willing to discuss this project to see if there is a way to work this out to our mutual satisfaction.

At this point in time, we cannot commit our involvement to this project.

Please feel free to call me.

Sincerely,


Aves D. Thompson
Chief

ADT/EC

cc: Edward Moses, Director, DMS
Ed Comiskey, MS Supervisor, DMS