


MEMORANDUM

TO: Council, AP and SSC Members

FROM: Clarence G. Pautzke 
Executive Director

DATE: November 30, 1989

SUBJECT: Salmon Fishery Management Plan

ACTION REQUIRED

Receive report on status of Amendment 3, annual cycle, and proposal review.

BACKGROUND

At the September meeting, the Council approved Amendment 3 to the Fishery Management Plan for the High Seas Salmon Fisheries off the Coast of Alaska East of 175° East Longitude. There were two main provisions of that amendment: (1) the Council deferred salmon regulations to the State of Alaska while retaining federal oversight, and (2) the Council recommended the FMP be extended to cover the entire EEZ west of 175° East longitude should a dissolution of the International North Pacific Fisheries Commission occur. In approving the amended plan, the Council also reaffirmed its support for provisions of the Magnuson Act that give the U.S. jurisdiction over anadromous fish wherever they range except within another nation's EEZ or territorial seas.

The Salmon Plan Team met October 16, 1989 to consider the recommendations of the Council, the SSC, and the AP, and to prepare a schedule for completion of the revised plan and its submittal to the Secretary for review and approval. The team also reviewed several proposals to amend the Salmon FMP which were received after the Council's September meeting.

A. Status of Amendment 3.

Amendment 3, which requires a major revision to the FMP, is in the final stages of preparation for Secretarial review. The revised FMP will be sent to the Secretary in early January 1990 with approval expected by June, prior to the beginning of the 1990 troll fishery.

B. Salmon management cycle.

The team notes that the Council intends to have minimal direct involvement in salmon management but wishes to maintain federal oversight. It is anticipated that in the future occasional management proposals, Board recommendations, or other issues may be brought to the Council for discussion and resolution. The team recommends that the Council adopt a management cycle for salmon so that these actions can be considered in an orderly manner. The proposed cycle is under item D-1(a).

The proposed salmon cycle includes the management cycles of the Alaska Board of Fisheries and the Pacific Salmon Commission for reference. The cycle recognizes that the Council can take up salmon issues at any time but prefers to review public proposals only during its April meeting. No call for proposals would be issued, but if proposals are submitted to the Council they would be reviewed in April. The cycle also provides for annual reports to the Council on salmon fisheries in the EEZ.

C. Proposals received since the September meeting.

The team also briefly reviewed three proposals received from the public during late September. These proposals are included under item D-1(b). The team requests Council direction for their disposition. If a salmon cycle is approved, the proposals could be deferred to that cycle, i.e., they would not be considered by the Council until April 1990.

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

Salmon Management Cycle

Month	Council	Salmon Plan Team	Alaska Board of Fisheries	Pacific Salmon Commission
JAN	Receives postseason report from ADF&G or Plan Team.	Presents postseason report.	Continues considering N, W, & C AK salmon issues.	
FEB		Prepares Status Report.	More of the same.	Annual Meeting: sets quotas, etc.
MAR		Reviews Board proposals for consistency problems and prepares recommendations for the Council.	Considers SE AK salmon issues: sets harvest guidelines, etc.	
APR	Reviews Status Report and any Board or public proposals.	Presents Status Report and comments on Board proposals. Prepares analysis of public proposals.	Continues considerations.	
SEP	Reviews EA/RIR as needed.	Finalizes EA/RIR.		
OCT	EA/RIR to public review.			U.S. Section & Northern Panel meet.
NOV			Starts considering N, W, and C AK salmon issues.	Postseason review and clarification of issues.
DEC	Approves EA/RIR for SOC review.		Considerations continue.	

See the notes on the next page for details.

NOTES ON SALMON MANAGEMENT CYCLE

The public should submit proposals to change salmon fishing regulations in the EEZ off Alaska to the Alaska Board of Fisheries. If the public has exhausted all Board procedures to change a regulation, they should submit a proposal to the Council for amending its Fishery Management Plan.

Amendments of the Salmon Plan

Proposals for amending the Council's plan should be either for an emergency amendment or a regular amendment.

A. Emergency Amendment

As needed: Public submits proposals for emergency amendments of the salmon FMP.

Salmon Plan Team will review the emergency recommendations (by teleconference if necessary) before the next Council meeting and prepares recommendations for the Council.

The Council will review the public proposals for emergency changes and the Salmon Plan Team's comments and decide whether an emergency amendment is warranted. If so, it will task the Salmon Team to prepare an amendment. If not, it will place the proposal on the schedule for regular amendments for Council consideration in April.

B. Regular Amendments

Members of the public may submit proposals for amending the salmon plan at any time, but the Council will not formally consider those proposals until its April meeting. At that time, the Council will consider the proposals, the Salmon Team's analysis and recommendations, and take public testimony. If it decides the plan should be amended, the Council will task the Team to prepare the amendment for review at the September meeting, public review between September and December, and approval for Secretarial review and implementation in December.

Schedule of the Alaska Board of Fisheries

Specific salmon fisheries considered by the Alaska Board of Fisheries will vary from year to year and from meeting to meeting. The schedule given here reflects the Board's schedule in recent years.

Pacific Salmon Commission

The Chinook, Coho, and other technical committees of the Pacific Salmon Commission meet at various times throughout the year.

Negotiations between the United States and Canada on Yukon River salmon and salmon fisheries are ongoing. Delegations meet once or twice a year. In addition, the Yukon Joint Technical Committee meets once or twice year to compile and analyze data and prepare reports.

AGENDA D-1(b)
DECEMBER 1989

GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
North Pacific Fisheries Management Council

Name of Proposer: Yukon-Kuskokwim Fisheries Task Force

Date: 10/2/89

Address: Box 267, Bethel, Alaska 99559

Telephone: 907-543-3409

Fishery Management Plan: Salmon Fisheries Management Plan

Brief Statement of Proposal: The MFCMA definition of "fishing" includes both harvesting and processing within the EEZ of the United States. This proposal requests the NPFMC to deny joint venture processing permits at sea and to begin to develop the administrative record to determine if the t h e NPFMC has authority to limit participation in shore based processing of companies which operate American subsidiaries, or have transferred capitol to American joint venture partners to engage in fish trade of resources from countries whose Nationals violate U.S. conservation laws by operating fleets that take salmon of North American origin in the North Pacific Ocean in violation of MFCMA Section 102(2).

Objectives of Proposal: (What is the problem?)

Continued interception and at-sea mortality of salmon of North American origin by fleets employing gear at a time and in the area where salmon of North American origin are known to occur by scientific research and enforcement actions contributes to the conservation problems experienced by discrete populations of salmon in their North American terminal streams. In addition to the Lacey Act and Pelly Amendment, the NPFMC may have the administrative authority to further limit commerce conducted within the area of the NPFMC authority by these Flag states.

Need and Justification for Council Action: Continued interception and at-sea mortality of salmon of North American origin by fleets employing gear at a time and in the area where salmon of North American origin are known to occur by scientific research and enforcement actions contributes to the conservation problems experienced by discrete populations of salmon in their North American terminal streams. Government so foreign nationals claims their take of this species is a high seas fishing freedom. These Nations and the Executive of the U.S. have chosen to disregard MFCMA Section 102(2) in which the Congress declares these salmon the sole property of the United States. Once declared fully utilized by the NPFMC, salmon of North American origin become a prohibited species, and subject to Section 311(a) enforcement action in their ocean range.

Foreseeable Impacts of Proposal: To eliminate claims that the take of salmon of U.S. origin on the high seas beyond the EEZ is a high seas fishing freedom, and to have the Executive Branch of the U.S. Government enforce Section 102(2) and Section 311(a) of the MFCMA, by State practice on the high seas beyond the EEZ through enforcement actions, and by applicable trade sanction provisions of the Lacey Act and Pelly Amendment.

The United States Government has entered into driftnet monitoring agreements that allow foreign driftnet fleets to operate at a time, and in areas where salmon of North American origin are known to range as demonstrated by U.S. scientific research and enforcement actions in violation of Section 102 (2) and 311(a) of the MFCMA. Passage of this amendment by the NPFMC will coincide with the actions of Congress to direct the Executive Branch to seek a ban on the use of this geartype, being supported by the "Tarawa Declaration", and the efforts of the United Nations' General Assembly and world environmental movements.

Supporting Date and Other Information: What data are available and where can they be found?

The public record since passage of the Driftnet Monitoring Impact, Assessment, and Enforcement Act of 1987 of government, the fishing industry, and National environment groups is replete with reference to the scientific data base, and results of enforcement actions that describe the magnitude of the interception of salmon of North American origin by of foreign driftnet fleets fishing beyond the EEZ of salmon States of Origin.

Signature: Harold Sparck

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GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL
North Pacific Fisheries Management Council

Name of Proposer: Yukon-Kuskokwim Fisheries Task Force
Date: 10/2/89

Address: Box 267, Bethel, AK 99559

Telephone: 907-543-3409

Fishery Management Plan: Salmon Management Plan

Brief Statement of Proposal: to prohibit the use of drift gillnets greater than 1.5nm in length as a legal fishing gear within the migratory range of salmon of North American origin that are within the jurisdiction of the North Pacific Fisheries Management Council.

Objectives of Proposal: (What is the problem?) To end the interception of salmon of North American origin in the North Pacific Ocean by drift gillnet fleets that fish at time and in areas that salmon of North American origin are known to frequent in violation of Section 102(2) of the Magnusson Fisheries Conservation and Management Act, PL. 94-265, 16 U.S.C. 1801-1882.

Need and Justification for Council Action: Continued interception and at-sea mortality of salmon of North American origin by fleets employing gear at a time and in the area where salmon of North American origin are known to occur by scientific research and enforcement actions contributes to the conservation problems experienced by discrete populations of salmon in their North American terminal streams

Unresolvable Implications of Proposal: To have the Executive Branch of the U.S. Government enforce Section 102(2) and Section 311(a) of the MFCMA, by State practice on the high seas beyond the EEZ through enforcement actions, and by applicable trade sanction provisions of the Lacey Act and Pelly Amendment

Are there Alternative Solution? If so, what are they and why do you consider your proposal the best way of solving the problem?
The United States Government has entered into driftnet monitoring agreements that allow foreign driftnet fleets to operate at a time, and in areas where salmon of North American origin are known to range as demonstrated by U.S. scientific research and enforcement actions in violation of Section 102 (2) and 311(a) of the MFCMA. Passage of this amendment by the NPFMC will coincide with the actions of Congress to direct the Executive Branch to seek a ban on the use of this geartype, being supported by the "Tarawa Declaration", and the efforts of the United Nation's General Assembly and world environmental movements.

Supporting Data and Other Information: What data are available and where can they be found?

The public record since passage of the Driftnet Monitoring Impact, Assessment, and Enforcement Act of 1987 of government, the fishing industry, and National environment groups is replete with reference to the scientific data base, and results of enforcement actions that describe the magnitude of the interception of salmon of North American origin by of foreign driftnet fleets fishing beyond the EEZ of salmon States of Origin.

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North Pacific Fisheries Management Council

Name of Proposer: Yukon-Kuskokwim Fisheries Task Force

Date: 10/2/89

Address: Box 267, Bethel, Alaska 99559

Telephone: 907-543-3409

Fishery Management Plan: Salmon Fisheries Management Plan

Brief Statement of Proposal: to publish an annual ABC and TAC for salmon spawned in the State of Alaska equal to the Alaska Department of Fish and Game's projection of run size, harvest forecasts and escapement objectives for the subsequent season that would account for reproduction, and forms of harvest including subsistence, commercial sports fishing, and personal use harvest necessary for conservation and complete utilization of the stock.

Objectives of Proposal: (What is the problem?)

Continued interception and at-sea mortality of salmon of North American origin by fleets employing gear at a time and in the area where salmon of North American origin are known to occur by scientific research and enforcement actions contributes to the conservation problems experienced by discrete populations of salmon in their North American terminal streams. When the Council publishes an ABC and TAC that identifies domestic use of the entire population of salmon spawned in Alaskan waters, this fish species is publicly noticed as being fully-utilized, and thereby qualifies for protection under the authority of the MFCMA, and cannot be taken legally by foreign nationals.

Need and Justification for Council Action: Continued interception and at-sea mortality of salmon of North American origin by fleets employing gear at a time and in the area where salmon of North American origin are known to occur by scientific research and enforcement actions contributes to the conservation problems experienced by discrete populations of salmon in their North American terminal streams. Government so foreign nationals claims their take of this species is a high seas fishing freedom. These Nations and the Executive of the U.S. have chosen to disregard MFCMA Section 102(2) in which the Congress declares these salmon the sole property of the United States. Once declared fully utilized by the NPFMC, salmon of North American origin become a prohibited species, and subject to Section 311(a) enforcement action in their ocean range.

Foreseeable Impacts of Proposal: To eliminate claims that the take of salmon of U.S. origin on the high seas beyond the EEZ is a high seas fishing freedom, and to have the Executive Branch of the U.S. Government enforce Section 102(2) and Section 311(a) of the MFCMA, by State practice on the high seas beyond the EEZ through enforcement actions, and by applicable trade sanction provisions of the Lacey Act and Pelly Amendment.

The United States Government has entered into driftnet monitoring agreements that allow foreign driftnet fleets to operate at a time, and in areas where salmon of North American origin are known to range as demonstrated by U.S. scientific research and enforcement actions in violation of Section 102 (2) and 311(a) of the MFCMA. Passage of this amendment by the NPFMC will coincide with the actions of Congress to direct the Executive Branch to seek a ban on the use of this gear type, being supported by the "Tarawa Declaration", and the efforts of the United Nations General Assembly and world environmental movements.

Supporting Data and Other Information: What data are available and where can they be found?

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