

North Pacific Fishery Management Council

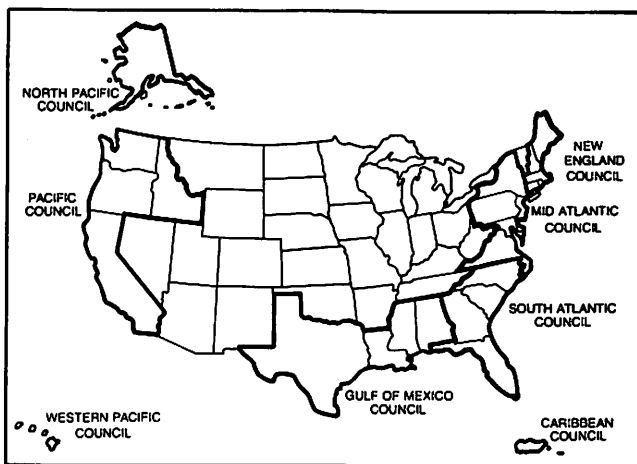


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MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT AND FISHERIES MANAGEMENT OFF ALASKA

The Magnuson Fishery Conservation and Management Act established a Fisheries Conservation Zone (FCZ) from 3 to 200 nautical miles offshore around the coast of the United States, measured from the same nautical baseline from which the territorial sea is measured. The Act gave the United States management authority over all the living resources within that zone and those anadromous species (originating within the U.S.) and creatures of the continental shelf which may occur outside 200 miles.

The Act created eight Regional Fishery Management Councils, of which the North Pacific Fishery Management Council is unique because it deals with only one state. Its geographic area of authority includes the fisheries in the FCZ of the Arctic Ocean, Bering and Chukchi Seas, and the Pacific Ocean seaward of Alaska. The other seven councils are the New England, Mid-Atlantic, South Atlantic, Caribbean (Puerto Rico and the Virgin Islands), Gulf of Mexico, Pacific (Oregon, Washington, California and Idaho) and Western Pacific (Hawaiian Archipelago, Guam, the Marianas and Samoa) Fishery Management Councils.



PURPOSE OF THE COUNCILS

The eight Regional Fishery Management Councils are designed to provide local and regional input into fisheries management. The Council and its advisory groups are composed of people from the region managed by the Council who are experienced and knowledgeable in the fisheries and in the economics of the fishing industry. The spirit of the Magnuson Fishery Conservation and Management Act was probably best expressed by Senator Stevens during the passage of the original bill in 1976:

“(The Councils are designed to be) a mechanism whereby the people of the region affected can select those whom they think capable of managing their fisheries. Those managers will comprise the Regional Council which will hire experts, utilize the resources of the Federal Government and the affected State governments, and determine what the optimum yield will be.”

COUNCIL FUNCTIONS UNDER THE ACT

1. Prepare and submit to the Secretary of Commerce (Secretary) a fishery management plan for each fishery requiring conservation and management, and such plan amendments as are necessary. Fisheries can be managed for a single species, as in the Tanner crab fisheries off Alaska, or for an aggregate of species as in the Gulf of Alaska and Bering Sea/Aleutian groundfisheries. The plans are prepared as recommendations to the Secretary of Commerce for implementation. They are expected to be approved if they comply with the National Standards and other provisions of the Act.

2. Prepare comments on vessel permit applications from foreign nations to fish within the FCZ. These comments serve as Council recommendations to the Secretary of Commerce before the Secretary's approval or disapproval of the applications. The Act allows a Council 45 days for this permit review.

3. Conduct public hearings. Councils are authorized to conduct public hearings to gather information in the development and amendment of management plans, the review of permit applications, or any other Council business. The intent is to maximize public participation in the Council process.

4. Submit such other reports as deemed proper or as the Secretary may request. The Councils comment on numerous matters relating to national fisheries policy and also report on subjects they consider worthy of action by the Secretary of Commerce or other government entities. Groundfish development off Alaska is an example of an important subject that was initiated early in the North Pacific Council's activities.

5. Review and revise fishery management plans as necessary. Once fishery management plans have been adopted by the Secretary, the Council will review and revise them as necessary to keep them current with developments in the fishery and the resource.

6. Perform any other activities required by the Act or which are appropriate to the foregoing functions. For example, the Council funds research aimed at developing information for specific management plans. Three criteria have been established for determining which projects will be funded. First, research must be short-term, usually two years or less. If the project must last more than two years, Council money can only be considered "start-up" money to use until normal funding through governmental agencies can be secured. Second, research must deal directly with current management plan development and be designed to furnish answers for specific questions or fill known voids of information needed to develop a plan. Third, funding must not be available through any other agency, governmental or private.

Examples of projects funded by the North Pacific Council include herring assessment in Bering Sea coastal areas, analysis of coded wire tag recoveries in the troll salmon fishery of Southeastern Alaska, evaluation of marine mammal feeding habits in the Bering Sea, assessment of walrus feeding in the Bristol Bay clam fishery area, determination of stock origins of chinook salmon incidentally caught in foreign trawls off Alaska, investigation of

joint venture impacts on the economics of U.S. industry and communities, and analysis of troll logbook data. The Council also supports participation by the Alaska Department of Fish and Game in Council activities. The Council publishes a final report for most projects; these are available upon request.

COMPOSITION OF THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

The North Pacific Council is composed of 15 members: 11 voting and four non-voting. Seven of the voting members are appointed by the Secretary of Commerce upon the recommendation of the governors of Alaska and Washington. The governors must submit three names for each vacancy occurring on the Council and may indicate a preferred choice. The Governor of Alaska nominates candidates for five seats, the Governor of Washington for two.

There are four mandatory voting members; they are the leading fisheries officials from the States of Alaska, Washington, and Oregon and the Alaska Regional Director for the National Marine Fisheries Service. The four non-voting members are the Executive Director of the Pacific Marine Fisheries Commission, the Area Director for the U.S. Fish and Wildlife Service, the Commander of the 17th Coast Guard District, and a representative from the U.S. State Department.

From the voting membership, the Council elects a Chairman and Vice-Chairman to serve a one-year term.

COUNCIL ADVISORY BODIES

The Act specifies that each Regional Management Council shall appoint a Scientific and Statistical Committee (SSC) for advice on scientific and other technical matters relating to Council functions. The North Pacific Council has an 11-member SSC composed of leading scientists in biology, economics, statistics, and social science.

The Act permits the formation of other advisory bodies considered necessary by the Council. The Council appointed a 25-member Advisory Panel whose members represent major segments of the fishing industry, both catching and processing, subsistence fishermen, consumers, sport fishermen, etc.

Both the SSC and Advisory Panel usually meet for a day or two immediately prior to each Council meeting. The members of both advisory bodies attend public hearings and are closely integrated into the activities of the Council. In addition, small ad hoc workgroups of Advisory Panel, SSC, and Council members have been formed to review plans and amendments.

Several of the Regional Fishery Management Councils appoint separate advisory panels for each fishery management plan. The North Pacific Council feels that a single group with widely diverse information and knowledge is more functional in this Council's mode of operation.

(A list of current members on the Council, the SSC, and the Advisory Panel is inserted at the end of this booklet.)



First Council Chairman, Elmer E. Rasmuson
October 1976 — September 1977



Second Council Chairman, Harold B. Lokken
October 1977 — September 1978



Current Council Chairman, Clement V. Tillion
October 1978 — August 1982

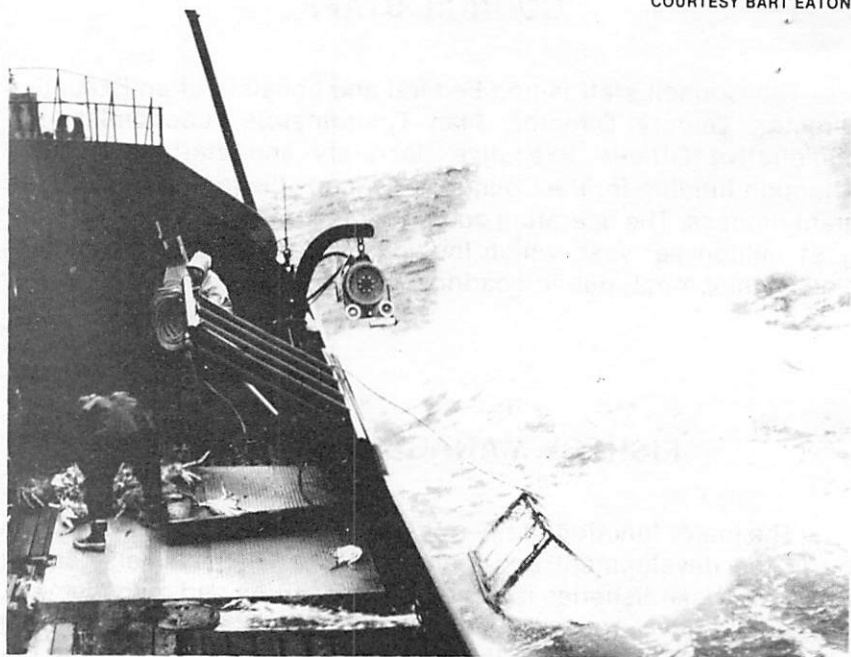
COUNCIL STAFF

The Council staff is non-Federal and consists of an Executive Director, Deputy Director, Plan Coordinators, Economist, Administrative Officer, Executive Secretary and staff secretaries. Although funding for the Council is Federal, it is routed through the grant process. The operating budget for the Council is approximately \$1 million per year, which includes expenses for management plan development, public hearings, meetings, etc.

FISHERY MANAGEMENT PLANS

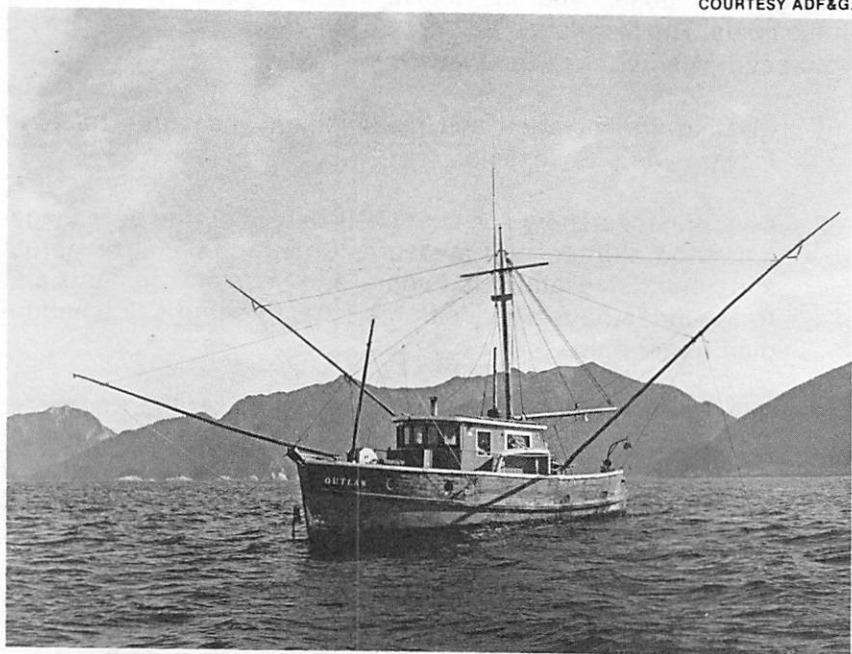
The major function of the Regional Fishery Management Council is the development and maintenance of fishery management plans for those fisheries in need of conservation and management. These plans serve as basic reference documents for management of foreign and domestic fisheries in the FCZ. They contain a detailed description of the stocks fished, the fishery participants, management goals, and the management regime for achieving those goals. The Magnuson Fishery Conservation and Management Act specifically requires the plans to:

1. Contain conservation and management measures for both foreign and U.S. vessels.
2. Describe the fishery, the cost likely to be incurred by management and enforcement measures under the plan, the actual and potential revenues to Federal and State governments and to the industry; recreational interests, foreign fishing and Indian treaty rights.
3. Specify present and future conditions of the resource, establish the maximum sustained yield and an optimum yield, which is derived from the maximum sustained yield and may be influenced by social or economic as well as biological factors.
4. Specify the intent to harvest and process by U.S. fishermen and processors, and by U.S. fishermen delivering to foreign processors. These measure the capacity and ability of the



Resetting a king crab pot in the stormy Bering Sea.

COURTESY ADF&G.



Salmon troller fishing off Southeast Alaska.

U.S. fleet and industry to harvest, process and market the resource. The plan must then identify the surplus that is available, if any, for allocation to other nations.

5. Specify the data from the fishery that should be submitted to the Secretary of Commerce. These include landing statistics, processing statistics and such other data as the Council feels are necessary for the management of the resource.

There are about four dozen species of fish off Alaska that in one way or another are important to man. These include species of Tanner crab, king crab, herring, clams, snails, groundfish, salmon, shrimp, scallops, halibut, Dungeness crab, and precious coral. Not all need additional management; either they are being managed by the State of Alaska or an international convention, or industry interest is not sufficient to warrant the high costs of management.

The North Pacific Council has developed fishery management plans for the following six fisheries off Alaska:

Southeast Alaska Troll Salmon	Gulf of Alaska Groundfish
Bering Sea Herring	Bering Sea Groundfish
Western Alaska King Crab	Tanner Crab

Plan development usually requires a year or more and is described below.

PLAN DEVELOPMENT

Fishery management plans are drafted by multi-agency Plan Development Teams (PDT). Team members are nominated by the SSC and approved by the Council. They are drawn from the resource agencies of the National Marine Fisheries Service, Alaska, Washington, and Oregon to provide the expertise necessary to develop a plan. Workgroups are appointed from the Advisory Panel, the SSC and Council to review progress on the plan and provide guidance. With coordination provided by the Council's staff, a plan is developed in the following general manner:

1. A fishery management unit is identified: this may be one or more species for part or all of the Alaska Fishery Conservation Zone.



U.S. trawler delivers bottomfish to a foreign trawler.

COURTESY UNIVERSAL SEAFOODS



Cod-end of bottomfish from U.S. trawler aboard foreign processor.

2. The PDT compiles extensive information on the biological, social, and economic aspects of the resource and the fishery participants, and summarizes the fishery's history of management and regulations.
3. A preliminary plan outline is developed and the PDT recommends management objectives and measures. After Council review, a draft plan is written which, with an environmental impact statement and regulatory impact review, is approved by the Council for public review.
4. The draft documents are subjected to public hearings and the comment period remains open for a minimum of 45 days.
5. Based on comments received, the plan is redrafted and submitted to the Council for final review and approval. The SSC and Advisory Panel also review both the draft and final versions.
6. Once the Council approves the final version of the plan, it is submitted to the Secretary of Commerce for a 60-day review. Given Secretarial approval, the plan is published as a Notice of Proposed Rulemaking in the Federal Register, and then, after a public comment period, as a Notice of Final Rulemaking.
7. Regulations implementing the plan become law following a 30-day cooling period after the final rule is published.

PLAN MAINTENANCE

Once a plan has been developed, approved, and implemented by the Secretary of Commerce, it may be revised periodically to incorporate new assessments of stock conditions, industry conditions, and to solve problems arising from conduct of the fishery such as gear conflicts. Some of these changes may be made without formal plan amendment because they are provided for in the original plan. Other changes may require formal amendment which may take almost as long to complete as development of the original plan.

Annual review and revision of plans are the responsibility of a Plan Maintenance Team (PMT) which supplants the original PDT. The PMT is small with only three to five members representing State and Federal resource agencies. As with the PDT, all products of the PMT's are subject to Council review and approval.

MANAGEMENT PLAN LANGUAGE

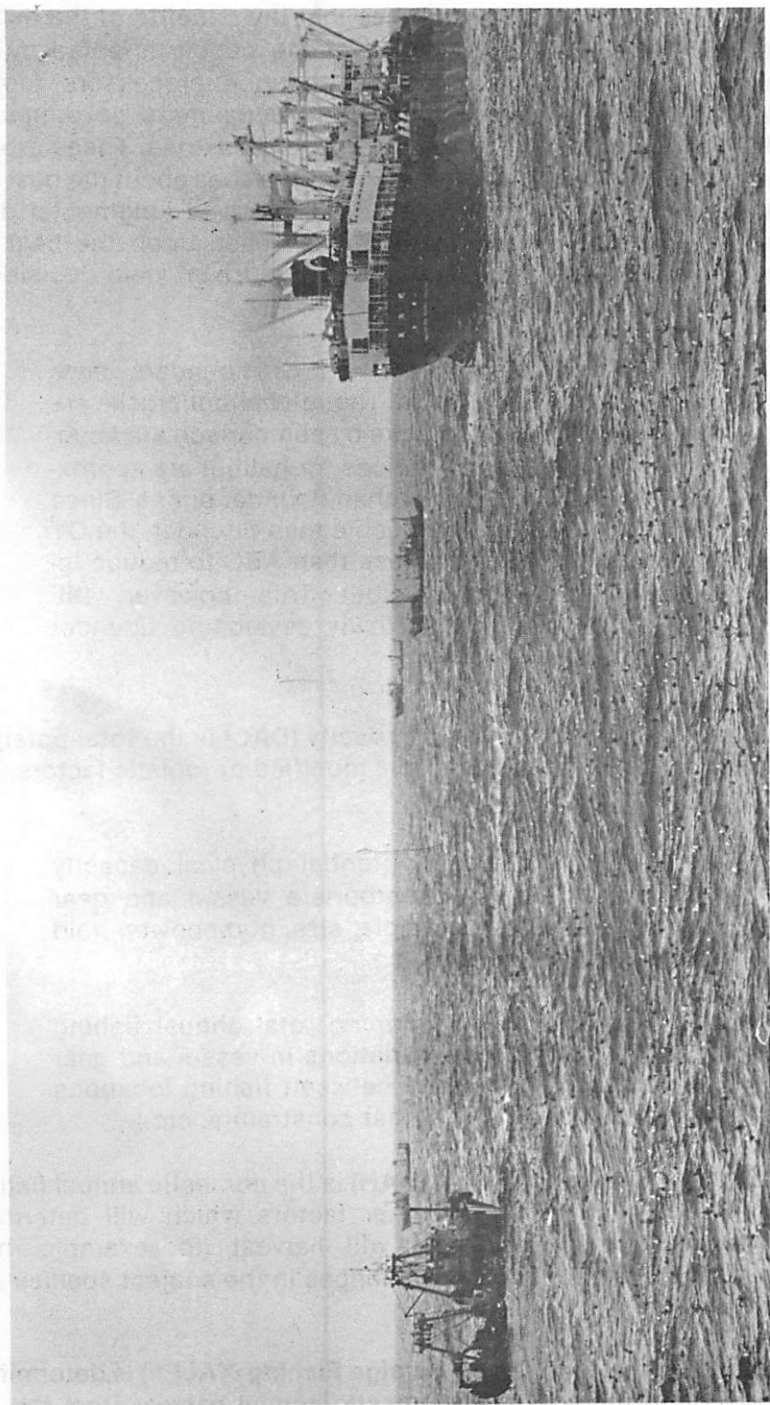
Every specialty field has its unique vocabulary. The vocabulary and associated acronyms which have developed in the professional fisheries management field greatly facilitate communication among biologists, economists and other advisors and contributors to fishery management plans. The technical nature of the terms, however, can be confusing to those who are not professionally involved. The following explanations may help those who follow the activities of the Council:

Maximum Sustainable Yield (MSY) is an average, over a reasonable length of time, of the largest catch which can be taken continuously from a stock under current environmental conditions. It normally is presented with a range of values around its point estimate.

Equilibrium Yield (EY) is the annual or seasonal harvest which maintains the resource at approximately the same level of abundance (apart from the effects of environmental variation) in succeeding seasons or years. It usually is different from MSY because the sustainable level of abundance is normally less than the maximum.

Acceptable Biological Catch (ABC) is a seasonally determined catch that may differ from MSY for biological reasons. It may be lower or higher than MSY in some years for species with fluctuating recruitment. It may be set lower than MSY to rebuild overfished stocks.

Optimum Yield (OY) is that which provides the greatest overall benefit to the nation with particular reference to food production and recreational fisheries. OY is based upon the maximum sustainable yield for a given fishery, modified by relevant economic, social or biological factors. It may be obtained by a plus or minus deviation from ABC for purposes of promoting economic, social or ecological objectives as established by law and the public participation process.



Japanese bottomfish fleet in the Bering Sea: trawlers and mother ship.

The definition of OY prescribes that the benefits of the fishery resources be allocated among all of the people affected by the fishery. These include commercial fishermen, processors, foreign fishermen, sport fishermen, distributors, consumers, governments, and a host of manufacturing and service industries. These groups usually have different and often conflicting ideas about the best use of the resources. Optimum yield then involves judgmental decisions that must be made by Councils based upon the best obtainable information. An example of an optimum yield decision is given to help illustrate the concept:

Halibut and several species of flounders have overlapping distributions. Though halibut stocks are depressed, flounder stocks by comparison are abundant. However, market prices for halibut are approximately ten times greater than flounder prices. Since halibut is much more valuable than flounder, the OY for flounder was set at less than ABC to reduce incidental catches of halibut. This, however, still allowed growth in the slowly developing flounder fishery.

Domestic Annual Fishing Capacity (DAC) is the total potential physical capacity of the U.S. fleets modified by logistic factors. The components of the concept are:

- a. An inventory of total potential physical capacity defined in terms of appropriate vessel and gear characteristics (for example, size, horsepower, hold capacity, gear design, etc.).
- b. Logistics factors determining total annual fishing capacity (for example variations in vessel and gear performance, trip length between fishing locations and landing points, weather constraints, etc.).

Domestic Annual Harvest (DAH) is the domestic annual fishing capacity to be modified by other factors which will determine estimates of what the fleets will harvest (for example, how fishermen will respond to price changes in the subject species and other species).

Total Allowable Level of Foreign Fishing (TALFF) is determined by deducting the expected domestic annual harvest from the op-

timum yield and withholding some reserves (TALFF = OY - DAH - Reserves). This amount is made available by the Department of Commerce for harvest by other nations. The U.S. Department of State makes the actual allocations of those resources to other countries. The Act specifies that allocations must be based on past fishing history in the area, degree of cooperation in research and enforcement, whether the nation has trade barriers to our fish products or otherwise discourages trade of U.S. caught fishery products, whether the nation fosters improvements in U.S. gear technology, and other guidelines deemed appropriate.

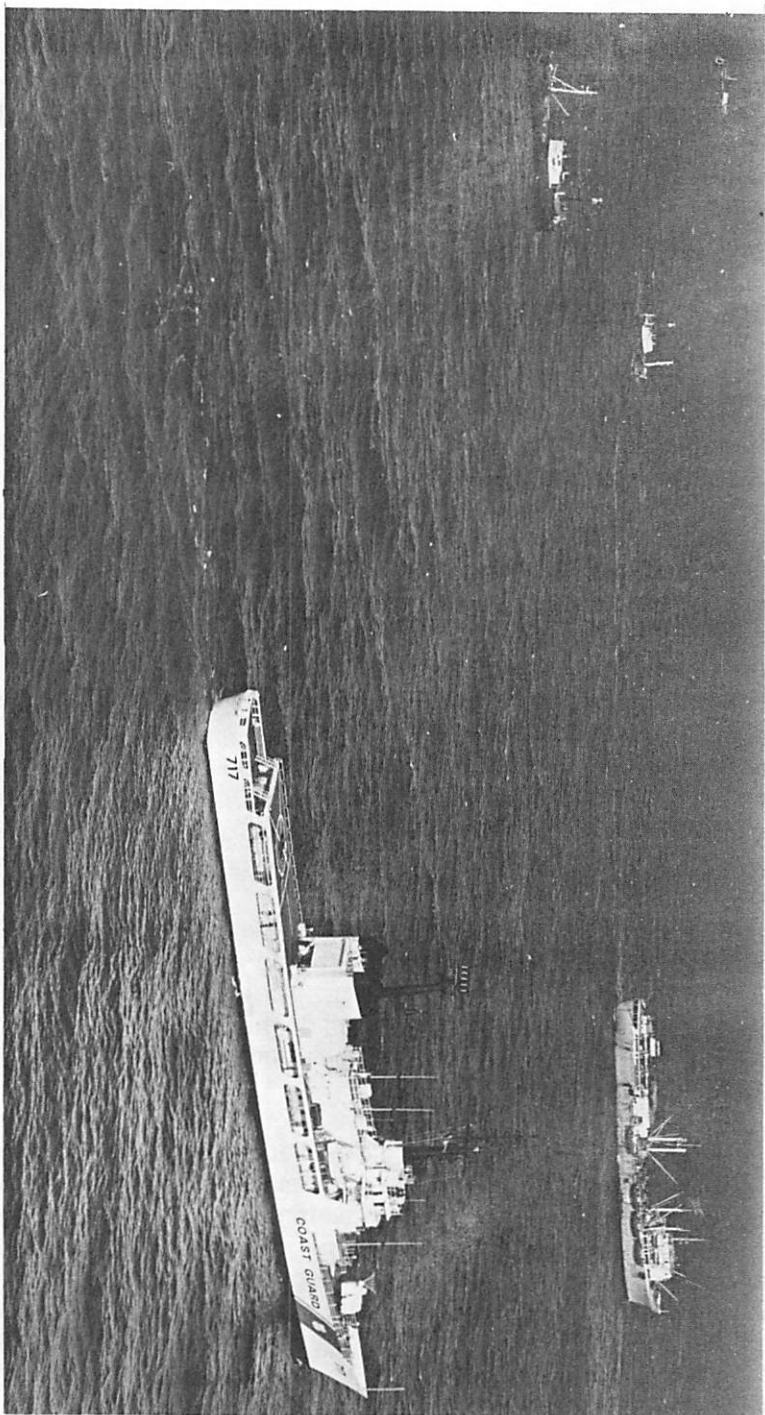
COOPERATION WITH THE STATE OF ALASKA

The Magnuson Fishery Conservation and Management Act extended United States jurisdiction over fisheries to 200 miles, but did not abrogate State jurisdiction inside three miles. Because most fish stocks off Alaska are found in both State and Federal waters, management approaches and regulations should be compatible inside and outside three miles.

The North Pacific Council works closely with the State of Alaska to avoid disrupting ongoing fisheries, although changes are sometimes required when state regulations do not comply with the Act. As a coordinating and opinion gathering body, the North Pacific Council intends to merge the State and Federal systems where possible to retain local control of resources.

The Council periodically meets jointly with the Alaska Board of Fisheries to develop regulations for shared fisheries such as king crab, Tanner crab, and troll salmon. The Council receives aggregated fisheries catch data collected by the Alaska Department of Fish and Game, and in turn supports research by ADF&G and data collection and analysis.

A final example of how the North Pacific Council cooperates with the State is drawn from the field of enforcement. Enforcement of regulations in the FCZ and State waters is coordinated between State and Federal agencies by a formal Cooperative Enforcement Agreement. Adoption of State regulations to implement management plans implies deputization of State officers as Federal officers and vice-versa. This cross-deputization allows the optimal use of manpower and equipment in enforcing compliance with fisheries regulations.



Coast Guard cutter checks Soviet bottomfish fleet in the Bering Sea.

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
December 1981

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ACRONYMS COMMONLY USED

ABC	Acceptable Biological Catch
ADF&G ...	Alaska Department of Fish and Game
AP	Advisory Panel
DAC	Domestic Annual Capacity
DAH	Domestic Annual Harvest
DAP	Domestic Annual Processing Capacity
EY	Equilibrium Yield
MFCMA...	Magnuson Fishery Conservation and Management Act
FCZ.....	Fishery Conservation Zone
JVP.....	Joint Venture Processing Capacity
MSY.....	Maximum Sustainable Yield
NMFS.....	National Marine Fisheries Service
NPFMC ...	North Pacific Fishery Management Council
OY.....	Optimum Yield
PDT.....	Plan Development Team
PMT.....	Plan Maintenance Team
PSC.....	Prohibited Species Catch
SSC.....	Scientific and Statistical Committee
TAC.....	Total Allowable Catch
TALFF	Total Allowable Level of Foreign Fishing

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