

M E M O R A N D U M

TO: Council, SSC and AP Members

FROM: Jim H. Branson *JMB*  
Executive Director

DATE: July 20, 1983

SUBJECT: Executive Director's Report

There's been a lot of activity since the May meeting, most of it reasonably routine. The highlight, of course, was the unnatural death of the halibut moratorium on June 14. You'll hear about that in detail in Agenda item C-1. We invited Administrator Byrne and Chris DeMuth, who is the Administrator for Information and Regulatory Affairs and made the final decision on the moratorium for the Office of Management and Budget, to our meeting. Both have sent their regrets. Congressional hearings kept DeMuth in Washington but we may be able to get him out here for a meeting sometime in the near future. Bill Gordon is here, of course, and will be able to fully explain what happened in Washington.

I'd like to remind you again of the Chairmen's meeting set for November 2-4 in Biloxi, Mississippi. Attachment B-1(a) is a tentative agenda for the meeting. I would like to have as much input from the Council as possible in preparation for that meeting. I have not sent them anything yet, although OMB review of Council actions is an obvious candidate.

Attachment B-1(b) is the proposed 1984 Council meeting schedule. There are no surprises except a possible shift in the January meeting to mid-January. With the problems the Board of Fisheries is having it doesn't look like they are going to meet until the second or third week of January. If that's the case, it's going to be very difficult to make arrangements for a meeting in Juneau. I intend to talk to them about a possible shift to Sitka if they want to meet in Southeastern. Council action on halibut may require a special meeting on just that subject next year; if so, it would be in addition to those listed in Attachment B-1(b). *no Dec mtg.*

Our next meeting, September 27 and 28 in Anchorage, conflicts with meetings of the Pacific Council and MAFAC. There isn't much we can do about it. We've explored the possibility of shifting our meeting and the facilities, i.e., hotel rooms, simply are not available. We'll have to stick to the original schedule and those who have to attend two or more of these meetings will have to sort out their priorities.

Attachment B-1(c) is a letter from Bill Gordon inviting the Pacific and North Pacific Councils to choose a delegate to the Food and Agriculture Organization's special World Fisheries Conference to be held October 10-19 in Rome. We didn't get the letter until well after the May Council meeting, so after checking with the Pacific Council and talking to some of the Council

members, I sent Don Bevan's name in as a Council representative. That doesn't bind us to anything, but if there was any possibility of him being included processing had to start by the end of June. Don has said he is willing to go if he can have a substantive part in the Conference and the Pacific Council has said that he is very acceptable to them as a joint delegate. I think the Councils should be represented and would like to see the Council act on this matter at this meeting.

The 2nd Annual National Fishery Law Symposium is scheduled for October 21-22 in Seattle. I've had Judy hold three spaces pending Council decision at this meeting on who, if anyone, should attend. Chairman Tillion and I attended last year. I thought it was one of the most worthwhile seminars I've attended. The material was good, timely, and well presented. I think it's a good investment and the Council should send someone. Budgetarily, we can probably combine it with other official travel and get full value for our money.

Congress has been active. I sent you some material on the proposed Fisheries Development Corporation in the last Council mailing. Since then I have been asked by Representative Forsythe for comments on the NOAA Organic Act he introduced (H.R. 3381) and we've received a NOAA proposal for revisions to the Merchant Marine Act which would eliminate the Fishing Vessel Obligation Guarantee Program that has been used to finance construction of vessels and shoreside facilities. The Statement of Purpose and Need from NOAA for that change in the Merchant Marine Act is included as Attachment B-1(d). I have just received proposed artificial reef legislation from Representative Forsythe asking for comments and we have on hand some draft legislation, as far as I know not yet introduced, from Senator Stevens establishing an American Fisheries Marketing Board. Since the deadline for comment on the NOAA Organic Act is the 27th, I sent some comments in to Representative Forsythe last Friday. If the Council wishes to elaborate on those or change them, I'm sure that we can still get it on the record although perhaps not in time for the hearing set for August 4.

If the Council wishes to comment on any of this proposed legislation, it should be done at this meeting. In addition to the legislation already mentioned, there is, of course, an agenda item (C-2) for the proposed revisions to the Marine Sanctuary Act. They have passed the House and will probably be acted on by the Senate before the August recess. We should get comments in on any of this material as quickly as possible. I'd particularly appreciate some help with the artificial reef legislation. I don't know anything about artificial reefs, and my knowledge of natural reefs is limited to those I have run into.

I have included Congressman Forsythe's remarks on the Organic Act legislation as Attachment B-1(e). We have copies of H.R. 3381 available for those of you who want them. The artificial reef legislation has not been copied, but if you want it, I can send you copies next week.

As promised at the last meeting, the Chairman has appointed a working group to develop a position on foreign fees for the Council. The members are Don Collinsworth and Rudy Petersen, SSC members Bevan and Marasco, and AP members Lauber and Fisher. We will ask them to meet and prepare material for Council consideration at the September meeting.

The Pacific Council's request to us to put an Oregon or Washington troller in the advisory system for the salmon plan is still pending. I would like to suggest that we create a special position of "Panel Advisor on Salmon" and ask the Pacific Council to nominate a representative from their area that would be invited to sit with the Advisory Panel when they discuss coastwide salmon matters. Attendance would be by invitation and he would not be a full-fledged member of the Advisory Panel. He could, if we wish, be appointed to the Advisory Panel group that works with the Salmon Plan Team.

As a final item, we are doing a very close scrutiny of staff procedures for developing material for the Council's decision-making process. Recent amendments to the MFCMA require a great deal more work before amendments are submitted to the Secretary for review. More subsidiary documents are needed than in the past and in more detail than before. We're far from finished with that review, but I think I can safely say that what we will come up with will require a longer development period before a matter is brought to the Council, but you will have a much more complete evaluation of that matter to work with than you have usually had in the past. It should help the decision process and it should greatly shorten the time required between a Council decision and submission of the entire package for Secretarial review. I hope that we will have some details on that process for you at the September meeting.

The usual update on Fishery Management Plans is Attachment B-(f).

TENTATIVE AGENDA FOR COUNCIL CHAIRMEN

- I. Budget
  - a. NMFS and Council FY '84 Funding Levels and Future Outlook - Gordon
  - b. Involvement of the Councils in the Budget Process - SAC/Gordon
  - c. Consideration of Alternatives for Administration of Council Funding - NEC
  - d. Separate Agency Status for NMFS - GMC
  - e. How Should We Jointly Approach a Reduction in Council Funding - MAC
  
- II. Council Operation and Plan Approval Under Amended MFCMA
  - a. NMFS Guidelines and Rules - Gordon/McMannus
  - b. Regionalization of the Plan Approval Process - Gordon
  - c. National Standard Guidelines and Affect on Plan Approval - NMFS
  - d. Roles of NMFS and OMB in Modifying and Approving Council Regulation Implementing FMPs - MAC/NMFS
  
- III. The EEZ Bills (or Act) - Congressional Staff
  
- IV. Confidentiality of Statistics
  - a. Denial of Access to Foreign Fishing Statistics - MAC
  - b. Suggested Confidentiality Procedures for Councils - NMFS
  
- V. Review of Litigation Against FMPs - McMannus
  
- VI. Need for Council Liaison Staff in Washington - NEC
  
- VII. Future Meetings of Chairmen - Green
  
- VIII. Other Business - Green

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL  
Tentative Meeting Schedule-1984

<del>January</del> FEB 1 + 2	Waiting for dates of ABoF meetings in Juneau
March 28, 29	Anchorage
May 23, 24	Anchorage
July 25, 26	Anchorage
September 26, 27	Sitka(?)
December	<del>In conjunction with ABoF,</del> Anchorage, no dates yet



F/M32:RT

MAY 18 1983

Mr. Clement Tillion  
Fishermen and Boat Charters  
Halibut Cove, Alaska 99603

Dear Clement,

I would like to invite Council participation in the Food and Agricultural Organization's Special World Fisheries Conference, October 10-19, 1983, in Rome. If you are interested in sending a representative from the Council to serve, along with me, as an official U.S. delegate, you may need to consult with other Chairmen.

The World Fisheries Conference will be conducted in two phases: a preparatory, technical phase to be convened during the Fifteenth Session of the Committee on Fisheries (COFI) this October and a policy and planning phase, scheduled for June 27-July 6, 1984. Draft agendas for both sessions are enclosed. A summary of the technical issues considered by COFI during phase I will be included among the major background papers distributed during phase II.

The policy phase of the World Conference will finalize and adopt a Strategy for Fisheries Management and Development and four action programs to implement it. Action programs are planned for:

1. Technical assistance for fisheries management and development with special emphasis on small-scale fisheries and technical cooperation among developing countries.
2. Investment for fisheries development, including small-scale fisheries.
3. Integrated training for fisheries.
4. Intra-regional and international trade promotion in fish and fishery products.

I think the Regional Fishery Management Councils can make a substantial contribution to the management and development issues that will be discussed during phase I, and I encourage your participation.


In order to participate, a Council representative must be named an official delegate by the Department of State and the Council must bear the expenses of his or her attendance. The delegation will only be large enough to include at most 5 representatives from the Councils: I suggest one from either the Pacific or North Pacific; the Gulf or South Atlantic; the New England or Mid-Atlantic; one from the Western Pacific and one from the Caribbean. If you are interested, please contact the Council you have been paired with and discuss the representative who might best contribute to the World Conference.



It is possible that limitations on the size of the Delegation may not permit even this level of attendance. Should this occur, there is another approach. I understand that the Chairmen's meeting may be delayed until late fall. If this is the case then the agenda for that meeting could include a lengthy discussion of the outcome of the world conference and copies of papers could be made available to the council. In this case, a lesser number of council members could be charged with coordinating council discussions.

I would appreciate hearing from you before May 27, 1983.

Sincerely,

*for*   
William G. Gordon  
Assistant Administrator  
for Fisheries

Enclosure

FIFTEENTH SESSION OF THE COMMITTEE ON FISHERIES  
(Technical phase of the FAO World Conference on Fisheries  
Management and Development)

Rome, 10 - 19 October 1983

DRAFT PROVISIONAL AGENDA

1. Opening of the Session (including keynote address by the Director-General)\*
2. Adoption of the Agenda and arrangements for the Session
3. Election of Officers
4. Key issues for fisheries management and development
  - (a) Objectives, policies and strategies
  - (b) Principles and techniques of fisheries management
  - (c) Conditions and control of access to fishery resources in exclusive economic zones
  - (d) Special problems of small-scale fisheries
  - (e) Problems of small developing island states
  - (f) Inland fisheries and aquaculture
  - (g) International trade in fish and fishery products
  - (h) International collaboration in research, management and development, including the role of FAO
5. Preliminary consideration of basic elements for a Strategy for Fisheries Management and Development and for specific Action Programmes (for submission to the policy phase of the FAO World Fisheries Conference)
6. The work of FAO in fisheries
  - (a) Draft Programme of Work and Budget 1984/85
  - (b) Report on the EEZ Programme
  - (c) FAO/UNEP Draft Global Plan of Action for the Conservation, Management and Utilization of Marine Mammals
7. Any other matters
8. Date and place of the Sixteenth Session of the Committee
9. Adoption of the Report

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\* On the subjects of prospects for world fisheries and the importance of fish in nutrition and its contribution to food security



POLICY PHASE OF THE FAO WORLD CONFERENCE  
ON FISHERIES MANAGEMENT AND DEVELOPMENT

Annex B

Rome, 27 June - 6 July 1984

DRAFT PROVISIONAL AGENDA

- I. Procedural Matters
  1. Opening of the Conference and election of the Chairman
  2. Adoption of the Rules of Procedure
  3. Adoption of the Agenda and organization of work
  4. Establishment of Commissions and other sessional bodies
  5. Credentials of representatives to the Conference
    - (a) Appointment of the Credentials Committee
    - (b) Report of the Credentials Committee
- II.
  1. Statement by the Director-General
  2. Statements by Heads of Delegations (Plenary)
- III. Strategy for Fisheries Management and Development (Commission I)
  1. The contribution of fisheries to national economic, social and nutritional goals
  2. Principles and practices for the rational management and full use of fish resources
  3. The special role and needs of small-scale fisheries and rural fishing communities
  4. Improved national self-reliance in fisheries management and development
  5. Economic and technical cooperation in fisheries development
  6. International trade in fish and fishery products
  7. International collaboration in fisheries research and management, including the role of FAO
- IV. Programmes for Fisheries Management and Development (Commission II)
  1. Technical assistance programmes for fisheries management and development, with special emphasis on small-scale fisheries and TCDC
  2. Programmes of investment for fisheries development, including small-scale fisheries
  3. Integrated training programme in fisheries
  4. Programmes to promote intra-regional and international trade in fish and fishery products (ECDC)
  5. Other action programmes
- V. Other Matters

## STATEMENT OF PURPOSE AND NEED

The Department of Commerce issues loan guarantees under the Fishing Vessel Obligation Guarantee (hereinafter FVOG) Program to finance the construction of vessels and shoreside facilities. The program has an \$850 million guarantee authority, about \$200 million of which is outstanding. This program is a subsidy to the fishing industry and has the effect of inflating interest rates. It gives this industry an advantage over other industries in competing for scarce financial resources. Moreover, the FVOG only finances about 12 percent of all new fishing vessel tonnage built in the United States.

As a result of rapid growth of Federal credit activity, the Federal government has become the dominant customer in the U.S. credit market. The Administration proposes to contribute to the reverse of this situation and increase the amount of private credit available to businesses. Consistent with this goal, the Department proposes to eliminate its authority to issue loan guarantees under Title XI of the Merchant Marine Act, 1936, as amended. The fishing industry will benefit more from the Administration's effort to stabilize financial markets, reduce interest rates and reduce inflation than from Federal subsidy programs such as the Title XI Program.

The Administration recognizes, however, that the Federal government has a legitimate interest in protecting its investment in outstanding guaranteed loans under the Title XI Program. Therefore, the Secretary's authority to monitor those guaranteed loans that are currently outstanding, as well as pursue the collection of those guaranteed loans that are already delinquent will be preserved.

INTRODUCTION OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ORGANIC ACT

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

• Mr. FORSYTHE. Mr. Speaker, together with several of my colleagues on the Merchant Marine and Fisheries Committee, I am introducing today legislation which establishes the National Oceanic and Atmospheric Administration (NOAA) as the lead, independent, civilian oceans and atmosphere agency within the Federal Government. The legislation also sets forth a national policy for the oceans, coastal environment, and atmosphere, and creates a NOAA charter with the objective of codifying existing agency responsibilities. A critical impetus for this legislation is the recent Presidential announcement of a proposal to abolish the Department of Commerce and create a new Department of International Trade and Industry. The trade initiative, which I support, was accompanied by an administration endorsement of the creation of NOAA as an independent agency. Legislation similar to the bill we are introducing today was introduced late last week by members of the Committee on Science and Technology which shares jurisdiction over many of the NOAA programs.

On several occasions in the past weeks, I have expressed the optimism with which I look at the coming age—the new decade—in oceans policy. A primary challenge of the 1980's and 1990's will be to sustain the United States continued leadership in the oceans. In order to attain that goal, we must be prepared to reassess and examine a range of critical international and domestic oceans policy issues facing the United States, with the objective of developing and articulating a comprehensive oceans policy. Such a comprehensive, long-range national oceans policy is central to realizing the potential of the world ocean and the benefits to be derived from oceanic and coastal development. I believe the need for a comprehensive ocean policy demands the establishment of an independent oceans and atmospheric agency and it is to that end that I am introducing this legislation today.

There is a clear need for a NOAA Organic Act and for the creation of an independent oceans, coastal, and atmosphere agency. The National Oceanic and Atmospheric Administration was established within the U.S. Department of Commerce by Reorganization Plan No. 4 of 1970. NOAA now operates under or is affected by over 100 Federal statutes. NOAA accounts for roughly 60 percent of the budget and 40 percent of the employees of the Department of Commerce. Its responsibilities are set forth in terms of a variety of functions transferred from other Departments and agencies in the 1970 Reorganization Plan and through a number of new programs assigned to NOAA since 1970 through legislation and administration directives. The statutory authorities for NOAA are scattered throughout many

different legislative acts. Enactment of these many authorities assigned to NOAA cover a long period of the Nation's history, beginning with the act of February 10, 1807 (2 Stat 413), establishing a U.S. Coast Survey.

The 1970 organization of NOAA brought together the following agencies and programs from various Federal departments and agencies, administered under a myriad of laws and regulations:

The Environmental Science Services Administration from the Department of Commerce;

The Bureau of Commercial Fisheries, Marine Game Fish Research program, and Marine Minerals Technology Center from the Department of the Interior;

Elements of the Lake Survey from the U.S. Army Corps of Engineers;

The national sea grant program from the National Science Foundation;

The national data buoy development project from the Coast Guard; and

The National Oceanographic Data Center and the National Oceanographic Instrumentation Center from the U.S. Navy.

Since 1970, other responsibilities have been assigned to the agency by new legislation and administration directives. Major acts relating to oceans and atmosphere, passed during the last decade, assigning such functions to NOAA include:

The Marine Mammal Protection Act of 1972;

The Marine Protection, Research, and Sanctuaries Act of 1972;

The Coastal Zone Management Act of 1972;

The Endangered Species Act of 1973;

The Fishery Conservation and Management Act of 1976;

1976 Amendments to the National Sea Grant College and Program Act;

The National Climate Program Act of 1978;

The National Ocean Pollution Research and Development and Monitoring Planning Act of 1978;

The Deep Seabed Hard Mineral Resources Act of 1980; and

The Ocean Thermal Energy Conversion Act of 1980.

The creation of an independent agency accompanied by organic legislation is an affirmative effort to formulate a cohesive and coordinated policy and framework for the study, management, protection, and development of the oceans, coasts, and atmosphere.

Title I of the bill sets forth congressional findings, purposes, and policies of the act. The three explicit purposes of the legislation are to establish the National Oceanic and Atmospheric Administration as an independent agency, to enumerate the functions, powers, and responsibilities of the administration, and to encourage the development of programs within the administration necessary for a sound national oceanic, coastal, and atmospheric policy.

Title II formally establishes NOAA as an independent agency and sets forth the internal administrative framework of the agency. It designates the principal officers of the agency and enumerates the functions and responsibilities of the Administrator.

The responsibilities of the Administrator include those assigned, delegated or transferred to him under the act or any other statute as well as those assigned or delegated by the President. Section 204 lists the functions of the Administrator. The enumerated functions describe his current responsibilities under applicable statutes and directives and also clarify the authorities for certain NOAA activities currently extrapolated from existing law. Title II also sets forth certain powers of the Administrator aimed at enhancing his ability to carry out his responsibilities and perform the functions assigned to him.

Title III addresses certain domestic and international coordination concerns of the new agency. It directs NOAA to insure that duplicative or inconsistent regulatory requirements are not placed on regulated industries or individuals. It also provides for international cooperation, including a meaningful role for NOAA in all international meetings and conferences relating to U.S. oceanic, coastal, and atmospheric interests.

Title IV rationalizes the many existing enforcement authorities of NOAA. The purpose of this section is to insure that NOAA can effectively enforce the laws which it administers.

Title V contains a series of miscellaneous provisions, including formal transfer of existing powers, functions, and responsibilities assigned to the

current administration and pursuant to statutory authority or administrative or executive action to the administration established under the act. Title V also addresses transfer of personnel and interim appointments as well as the survival of administrative proceedings and suits at law. Finally, title V provides for the establishment of a more comprehensive and coordinated biennial authorization process.

Hearings are tentatively scheduled by the Merchant Marine and Fisheries Committee for later this summer on the creation of NOAA as an independent agency and accompanying organic legislation. During the committee's examination of this proposal, perhaps it is necessary to look beyond NOAA as presently constituted. It may be necessary to look at where other marine components are located throughout the Federal Government. Components of EPA and the Departments of the Interior and Transportation should be assessed to determine if they should be folded into an independent oceans agency.

Mr. Speaker, I look forward to the continuing dialog on the number of critical issues surrounding the establishment of NOAA as an independent agency and the enactment of organic legislation. I solicit the insights, views, and comments of my colleagues and others on this measure and urge the expeditious enactment of this very important legislation. ●

Status of Fishery Management Plans

1. Salmon FMP

The Council may consider mid-season management measures for chinook and coho in the FCZ.

2. Herring FMP

The Council will consider final approval of the FMP, proposed regulations, and supporting documents at this meeting. Several alternatives for treating incidental catch will be reviewed along with plan revisions recommended by the SSC. ADF&G will present a preliminary report on the 1983 fishery.

3. King Crab FMP

No action is required by the Council at this meeting. The plan was submitted to the Secretary on June 1, 1982. Certain supporting documents required for Secretarial Review will be submitted shortly.

4. Tanner Crab FMP

The Council is scheduled to review Amendment 10 addressing recent state changes in exclusive registration areas and pot limits. This amendment has been expanded since its initial review in May. After discussion the Council may wish to approve the amendment for public review.

The Council will consider final approval of Amendment 9 which will update ABC/OYs with numerical ranges, framework seasons, revise the in-season adjustment section, and add a new section on pre-season adjustments.

Amendment 8, the housekeeping amendment, began Secretarial Review on May 16, 1983 and target date for implementation is October 5, 1983.

5. Gulf of Alaska Groundfish FMP

At this meeting the Council will reconsider raising pollock OY in the Central Gulf. There will be a report on the status of pollock, a report on ways to reduce the catch of prohibited species, and a review of the Eastern Gulf sablefish fishery.

Amendment 12, which would ban pots in the Southeast sablefish fishery, is being prepared for submission by August 15 to NMFS Regional Office for review.

Amendment 11, which adjusts sablefish and pollock OY and introduces a framework DAH was sent May 13, 1983 to the Secretary and appears to be on schedule.

6. Bering Sea/Aleutian Islands Groundfish FMP

At this meeting the Council will consider sending Amendment 9, establishing field order authority for conservation closures, for public review. They will also review an economic analysis and previous Council action on Fishery Development Zone Amendment 6. A Resource Assessment Document (RAD) that will be the basis for OYs and allocations in 1984 for groundfish in the Bering Sea was expected to be available for initial review; unfortunately, it arrived too late to have copied for this meeting. A section summarizing the numbers has arrived and is item D-6(b) in your book. The complete document will be sent to you as soon as it is available. The Council needs to revise, if necessary, and adopt the document for 1984 planning at the September meeting.

Amendment 8 setting salmon PSC limits for 1984 and 1985 was approved by the Council in May 1983 and will be implemented through a rule-related notice.

Amendment 7 modifying restrictions on foreign longliners in the Winter Halibut Savings Area was filed with the Federal Register on May 11 and is scheduled to be implemented on August 31, 1983.

Amendment 5 decreasing the prohibited species catch of chinook salmon to 45,500 salmon for 1982 began Secretarial review on June 1, 1982, but was withdrawn in May because it was redundant to Amendment 3.

Amendment 3 establishing prohibited species catch limitations for crabs, salmon, and halibut was implemented on July 4, 1983.

Amendment 1 on managing groundfish as a complex was sent to Secretarial review on December 2, 1982. Little progress has been reported on its review.

# North Pacific Fishery Management Council

Clement V. Tillion, Chairman  
Jim H. Branson, Executive Director

605 West 4th Avenue  
Anchorage, Alaska 99510



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July 22, 1983

The Honorable Edwin B. Forsythe  
U.S. House of Representatives  
Committee on Merchant Marine and Fisheries  
Room 1334, Longworth House Office Building  
Washington, DC 20515

Dear Mr. Forsythe:

I appreciate your request for my comments on H.R. 3381, the legislation you have introduced to establish the National Oceanic and Atmospheric Administration (NOAA) as the principle civilian ocean agency. I have studied the bill with care and have no recommendations for changes or additional language. It appears to do the job for which it was designed.

I am very much in favor of establishing NOAA as an independent agency of the Federal government; it has always been somewhat of an orphan in the Commerce Department. Independent agency status should greatly enhance its ability to develop and implement a comprehensive U.S. oceans policy, but, of course, once established we must give it all the help we can to succeed in this critical role. Those areas of particular concern to myself and all of the Regional Management Councils, i.e., the relationship between NOAA and the Regional Councils, continuation and strengthening of the grant-in-aid programs between the Federal government and the states which have been so useful, and strengthening the Sea Grant program, are areas that might be reinforced in the bill. From a strictly practical standpoint, however, I believe it is more important to get legislation in place establishing NOAA as an independent agency than it is to try to get everything everyone wants into the legislation. An attempt to do so might greatly impede its expeditious enactment.

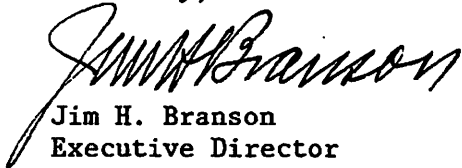
I am in complete concurrence with your introductory comments of June 21 when you said it may be necessary to look at other marine components located throughout the Federal government. Consolidation of our ocean efforts can only improve our ability to sustain our continued leadership in the oceans. There are programs throughout government that are duplicative and costly, just as there are areas within NOAA as presently constituted that are more costly and less efficient than they need be.

The Honorable Edwin B. Forsythe  
July 22, 1983  
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The North Pacific Fishery Management Council will be meeting next week in Homer, Alaska, and I will ask them for their comments on this legislation. I will forward those to you as soon as I can, although it may not be possible to meet the July 27 deadline since the Council will be meeting on the 27th and 28th. I hope that we will be able to get them to you in time for inclusion in the legislative records.

Thank you again for this opportunity to comment. It appears to be good solid legislation.

Sincerely,



Jim H. Branson  
Executive Director

cc Senator Stevens  
Senator Murkowski  
Congressman Young



22 July, 1983

Honorable Edwin B. Forsythe  
Ranking Minority Member  
Committee on Merchant Marine and Fisheries  
Rm. H-540  
House of Representatives  
Washington, D.C., 20515

RE: H.R. 3381

Joint Statement of  
Atlantic States Marine Fisheries Commission  
Gulf States Marine Fisheries Commission  
Pacific Marine Fisheries Commission

We welcome this opportunity on behalf of our combined membership of 24 coastal States to offer comments on H.R. 3381, the National Oceanic and Atmospheric Administration Organic Act. As we know you realize, there has not been sufficient time since introduction of this legislation to permit its thorough and full evaluation by each of our member States; however, we believe we can

offer these preliminary comments and recommendations on the basis of long-standing State interests and concerns.

First, we endorse in principle the establishment of NOAA as the lead independent civilian oceans and atmosphere agency within the Federal Government. We understand that the intent of H.R. 3381 is to transfer NOAA, essentially as-is, from its present status within the Department of Commerce to this independent status. Given Administration intent to fragment the Department of Commerce to create a new Department of International Trade and Industry, we believe that independent agency status for NOAA is by far the best alternative for governmental reorganization, and we are pleased that the Administration concurs in this view. Many of our States believe that NOAA's ability to operate effectively as lead Federal agency for ocean affairs would be materially improved by this independent status, and therefore they would solidly support your own assertion in your introductory statement on June 21:

"I believe the need for a comprehensive ocean policy demands the establishment of an independent oceans and atmospheric agency and it is to that end that I am introducing this legislation today."<sup>1</sup>

Notably, the actions you are proposing for achieving a comprehensive ocean policy for the nation are supportive of earlier recommendations of the Stratton Report, which emphasized the need for national priorities and policies with respect to migratory marine organisms. The enhanced and

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<sup>1</sup>Introductory comments, Hon. Edwin B. Forsythe; Congr. Record, Tues., June 21, 1983.

independent status for NOAA prescribed under H.R. 3381 also is in close accord with the Eastland Fisheries Survey Report to the Congress in 1977, which called for consolidation of fisheries affairs within a single Federal agency operating at highest possible governmental level.

While we strongly support this initial action to establish NOAA as a separate Federal entity, and we recognize the political expediency of accomplishing this without extensive changes from the present scope of NOAA authority and responsibility, we believe that in the longer term, overall Federal goals, authorities, and organizations with respect to oceanic and atmospheric affairs should be carefully evaluated, and eventually re-structured as appropriate to achieve national goals and serve the public welfare. We endorse your own observation at the close of your introductory remarks June 21:

"...perhaps it is necessary to look beyond NOAA as presently constituted. It may be necessary to look at where other marine components are located throughout the Federal government..."

Our second recommendation therefore is that without impeding the present process of establishing independent agency status for NOAA essentially on an "as-is" basis, the Congress in the near future thoroughly reassess Federal organization for oceanic and atmospheric affairs. Because of the enormous importance of effective Federal-State-Regional coordination for fisheries and coastal resource conservation and management affairs, we urge that this reassessment incorporate active participation by our coastal States and by the Regional Fishery Management Councils. We suggest that coordination and implementation of this reassessment process might be a principle charge upon

the National Advisory Committee on Oceans and Atmosphere (NACOA) and/or upon the new National Oceans Policy Commission proposed under H.R. 2853. We pledge the active interest of our three interstate marine fisheries commissions to this long-term reassessment process, and our full cooperation in working with the Congress and its designated agents to facilitate effective State involvement throughout.

Third, we believe that the mandates for an independent NOAA could be strengthened materially by making explicit the importance of Federal-State cooperative interaction for conservation and management of shared fishery resources. This Federal-State cooperative role is implicit in most of the landmark legislation which so materially expanded the NOAA/NMFS role in marine and coastal affairs in the decade of the '70s.<sup>2</sup>

We note with approval the emphasis placed upon Federal-State-private sector cooperative interactions (under Sec. 204, Functions of the Administrator) for fisheries development (para. 14), and coastal zone protection and management (para. 17). We strongly recommend that parallel emphasis on Federal-State-Regional Council cooperative interactions be incorporated into paragraphs addressing Federal functions concerning the marine environment and living marine resources (para. 12) and habitat protection (para. 13). These functions are implicit in the several Acts cited earlier<sup>2</sup>, and we respectfully urge that they be given an explicit Federal mandate under H.R. 3381. This in

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<sup>2</sup>The Marine Mammal Protection Act of 1972; The Marine Protection, Research and Sanctuaries Act of 1972; The Coastal Zone Management Act of 1972; The Endangered Species Act of 1973; The Fishery Conservation and Management Act of 1976, all cited by the Hon Edwin Forsythe in his June 21 remarks concerning the scope of existing NOAA responsibilities.

no way changes existing responsibilities of NOAA, yet the express Congressional mandate would assist immeasurably toward effective implementation of these cooperative programs.

Specifically, we propose that Sec. 204 (12) be amended to parallel para. 17 in structure and to read as follows (p. 22, lines 1-4; underlined words are proposed additions):

(12) administering national programs, through the use of grants, loans, loan guarantees, technical and policy research and analysis, and Federal-State-Regional Fishery Management Council coordination and cooperation, for research, data collection, management and protection of the marine environment and living marine resources, including marine mammals and endangered and threatened marine species;

We recommend that parallel emphasis be placed upon Federal-State and interagency coordination and cooperation with respect to habitat study and protection under para. (13), which we believe should include anadromous as well as marine habitats in accordance with existing NOAA responsibilities:

(13) administering national programs, through the use of grants and loans, technical and policy research and analysis, and Federal-State and interagency coordination and cooperation, for the identification, study, and protection of the habitats of living marine and anadromous resources, including with respect thereto, analysis of the effects of (marine) pollution and other natural and human-induced changes, and collection and dissemination of data and

information;"

We further recommend that these Federal-State coordinated and cooperative interactions be cited specifically and generically for all programs under Purposes (Sec. 102) and Policies (Sec. 103). Under Sec. 102, we propose (p. 5, after line 16) a new subparagraph:

(iv) to develop and support coordinated cooperative Federal-State and Regional Fishery Management Council policies and programs that effectively apply multijurisdictional approaches and capabilities to living marine and anadromous resources throughout their distributional ranges;

Under Sec. 103 we propose the following addition to para. (2) (p. 7, lines 22 and 24):

(2) the Federal Government, in cooperation with State and local governments, Regional Fishery Management Councils, foreign states, public, private, and international organizations, and the academic community, create and maintain conditions and national programs supportive of multijurisdictional approaches to common problems, under which the resources of the marine environment and the atmosphere may be utilized in an environmentally responsible manner so as to fulfill the needs of present and future generations;

As final recommendation, we urge the Sec. 205, which specifically addresses

"Powers of the Administrator", add a section emphasizing the special importance of Federal-State cooperation for coordinated research, data collection, conservation, and management of shared living marine and anadromous resources. We therefore propose insertion of a new section (2) under (j), Assistance and Cooperation, p. 33:

through grants and contracts and cooperative agreements, to provide assistance to the States and the Regional Fishery Management Councils for coordinated cooperative research, data collection and dissemination, and related studies and activities directed toward protection and management of living marine and anadromous resources subject to multiple jurisdiction and control.

On behalf of all our States, we again express appreciation for this opportunity to offer suggestions concerning H.R. 3381, and particularly for this opportunity to request your assistance to establish a strong legislative mandate for coordinated cooperative State-Federal programs pursuant to the new directions given for living marine resources conservation and management under the landmark legislation of the 1970's.

We observe with real regret that while your invited list of witnesses for the August 4 public hearing contains quite broad representation of concerned entities from both Federal and private sectors, there appear to be none representing State fisheries or Regional Fishery Management Council interests. We respectfully recommend that for hearings of this importance to our States and to their regional interactions with NOAA, that some representation be included of State fishery interests and concerns among the

list of invited witnesses, in the interests of the constructive dialog which so often ensues in response to questions from members of your Committee.

Submitted for the Atlantic States, Gulf States, and Pacific Marine Fisheries Commissions:

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M.  
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