

EXECUTIVE DIRECTOR'S REPORT

VADM Robbins Here for Meeting

VADM Clyde Robbins, Commander, Pacific Area Coast Guard, will attend our meeting on Thursday. I've arranged the agenda so that the Coast Guard report is that morning. ADM Nelson will be out all week in Hawaii on military exercises and Capt. White will take his seat for most of the week.

New Staff Member Onboard

As I announced in October, we have hired Bill Wilson to take over Steve Davis' old slot as plan coordinator for Gulf of Alaska Groundfish. I want to introduce Bill to you this morning. He holds a Master's Degree in fisheries and brings with him many years of fisheries experience in Alaska working with the Arctic Environmental Information and Data Center. He's coming up to speed quickly on groundfish issues and has the good fortune to have the December meeting as his break-in period before the SSC, AP, and Council.

New Council Member Orientation

NMFS will provide an orientation for new Council members in Washington, D.C. on February 8-9, 1989. Their agenda is B-1(a) under this tab. The meeting will include an oath of office administered by Dr. Evans. I'll need to hear from Council members Tony Knowles, Bob Alverson, and Oscar Dyson whether they plan to attend so we can firm up room reservations.

IPHC Proposes Meeting

B-1(b) is a letter from IPHC requesting a meeting with the Council to explore various options for long-term management of the halibut fishery. If the Council wishes to meet with the Commission, January may be a good time because we'll be examining overall strategies for dealing with the Future of Groundfish recommendations. Our January meeting is the week of January 16 and IPHC meets the following week in Vancouver.

While on halibut, I'd like to note that Don McCaughran, Executive Director of the Halibut Commission, and Bob Stokes, an economist with the Institute of Marine Studies at the University of Washington, are here and would like time on the agenda to summarize their recent study on the economics of halibut bycatch regulation which was mailed to you in November. They could give their presentation just after Terry Smith finishes up with his bycatch model overview under agenda item D-2(c) later this morning, or wait until public comment is taken on D-2(c) on Tuesday morning.

Herring Bycatch Proposal

The Council has received a request from the Qaluyaat and Kokechik fishermen's associations for emergency action at this meeting to restrict the catch of herring in the 1989 trawl fisheries in the Dutch Harbor area. I've placed both their letter and their herring bycatch proposal submitted for the 1989 amendment cycle under B-1(c). I wrote the associations that I would give their request to the Bycatch Committee and to the Council for further guidance on a suitable course of action.

Marine Mammal Amendment

NMFS has asked for Council comment on the various categories of marine mammal-fisheries interactions that Alaska fisheries fall into. The Region's tentative listing is in B-1(d). All groundfish trawl fisheries are in category 1 - frequent incidental taking of marine mammals. Longline groundfish fisheries are in category 2 - occasional incidental taking of marine mammals, except in Prince William Sound and the southern Bering Sea which are category 1 because of the killer whale problems. I would appreciate your comments on these classifications. Our comments to NMFS are due by December 12.

FOCI

Last week I attended a program review for the Fisheries Oceanography Coordinated Investigations (FOCI) project, a combined effort of the Northwest and Alaska Fisheries Center and the Pacific Marine Environmental Laboratory. This multidisciplinary study is examining the physical, chemical and biological processes that influence the three-year-old recruits to the Shelikof Strait pollock population. They have found some interesting relationships between the recruit levels and number of storms and changes in flow of the Alaska Coastal Current that can either transport the pollock eggs and larvae along shore to nursery areas or sweep them out to deeper water and less productive feeding grounds. It's one of the best studies I've seen of this type and would like Council permission to schedule a brief presentation on it at the January meeting.

Research Needs

In response to an early October request from Jim Brennan, through Jim Brooks, for a research plan for next year, we submitted the list in B-1(e) based on staff and plan team discussions. The SSC will review these proposals at this meeting and by January, I hope to have expanded them for your review. B-1(f) are some thoughts on how to get the ball rolling on determining research needs. I will have a plan of action for you in January.

Council Chairmen Meet in San Francisco

The Regional Council Chairmen met on October 7-8 to discuss Magnuson Act Reauthorization and other issues of mutual concern. I've placed a meeting summary under B-1(g) and will give a full presentation on amendment topics to the Reauthorization Committee on Tuesday evening.

January Council Meeting

Believe it or not, the January meeting is just around the corner. Judy notes that you need to send in your reservations as soon as possible because the hotel will be short of rooms due to renovations. We'll send the reservation cards to you next week. Also, please submit your final expense claims for this year as soon as possible so we can close out the books for 1988.

11/17/88

Proposed Agenda
National Marine Fisheries Service
Orientation For New Fishery Management Council Members
February 8-9, 1989

Silver Spring Metro Center 1, Room 105
1335 East West Highway
Silver Spring, Maryland 20910

Meeting Moderator: Richard H. Schaefer

Wednesday, February 8, 1989

- 8:00-8:15 Opening Remarks and Introductions (Schaefer)
- 8:15-9:30 Oath of Office and Presentation of Certificates (Evans)
Fishery Management Philosophy and Policies (Evans/Brennan)
- 9:30-10:00 The Magnuson Act
-Legislative History
-Congressional Intent
-National Standards
-Other Applicable Law
- 10:00-10:30 BREAK [New Council members will meet briefly with Dick Schaefer to sign SF-189]
- 10:30-11:00 Magnuson Act Amendments
-601 revisions
-602 revisions/Conservation Standard
-Operational Guidelines revisions
- 11:00-12:00 Panel 1—Respective Roles in Fisheries Conservation & Management
-Council members, Council staff, SSCs and APs
-NMFS - RDs, CDs, GC
-Other Agencies - FWS, DOS
- 12:00-1:30 LUNCH
- 1:30-2:30 Panel 1 - Continued
- 2:30-3:00 BREAK
- 3:00-5:00 Panel 2—Overview of FMP Development, Review and Implementation
Roles and Responsibilities of:
Councils; NMFS Regions/Centers/Washington Office;
NOAA/DOC/OMB; Other Agencies (DOS, DOT, SBA, EPA)
- 5:30-6:30 Proposed Hospitality Hour

Thursday, February 9, 1989

8:00-8:15 **Opening Remarks and Introductions (Schaefer)**

8:15-8:45 **State/Federal Relationships**

Roles and Responsibilities of:

- States
- Interstate Marine Fisheries Commissions
- Councils
- Federal government

8:45-9:15 **Federal Regulatory Issues**

9:15-10:30 **Panel 3—Program Planning, Budget, and Council**

Administrative Operations

- Agency priorities
- Council's role in budget formulation
- Council's responsibility in budget execution
- Role of Washington Office in admin operations
- Council SOPPs

10:30-10:45 **BREAK**

10:45-11:45 **Legal Liabilities and Protections**

- Security Clearances
- Conflict of Interest
- Financial Disclosures
- Lobbying Congress (pending litigation)

11:45-1:00 **LUNCH**

1:00-1:30 **Habitat/Protected Species**

1:30-2:15 **Enforcement**

2:15-2:45 **Trade Policy**

2:45-3:00 **Summary and Closing Remarks (Schaefer)**

Received 11-30-88

Qaluyaat Fisherman's
Association
General Delivery
Toksook Bay, Alaska 99637

Kokechik Fisherman's
Association
Box 5480
Chevak, AK 99563

File: NPFC-2-11.88

November 16, 1988

Mr. John Peterson
Chairman, North Pacific Fisheries Management Council
Northwest Alaska Fisheries Center
7600 Sand Point Way, N.E.
Building 4, Bin C-15700
Seattle, WA 98115

Dear Mr. Peterson,

As Chairmen of several Western Alaskan fisheries of discrete stocks of Eastern Bering Sea herring, we wish to inform the Council of a serious herring conservation problem.

During the recent NPFMC By Catch Committee meeting in Seattle with both DAP and JVP trawlers, we learned that a large, unregulated take of our discrete herring stocks by DAP boats delivering to shore side facilities in the Dutch Harbor area has been taking place, and is now growing in volume. We further learned that the magnitude of the by catch has become so great that shore side processor, after separating the herring, are now requiring DAP vessels to take the herring to sea for disposal.

For these reasons, we are soliciting the Council's support for placing the issue of herring by catch on the December Council agenda to examine emergency action to restrain by catch of herring in the 1989 trawl fisheries in the Dutch Harbor area.

In January, 1989, the Council will hear a report from the Council staff on the proposed Amendment to the Bering Sea/Aleutian Island Groundfish Plan for a two staged herring by catch cap, supported by observers, and mandatory time area closures. The regulatory amendment process would not be timely for the 1989 DAP fishery to benefit Eastern Bering Sea herring conservation.

Last, we wish to inform the Council that the State of Alaska allows a similar mixed-stock fishery in the same area and at the same time for a herring food and bait fishery. We had informed the Alaskan Board of Fish of the rumors of a significant offshore interception by DAP and JVP trawl fisheries. We explained the threat to the small discrete herring stocks north of Togiak that mix in the Dutch Harbor area. But the Board re-established the Fall Dutch Harbor fishery by regulation, actually increasing the volume of harvest, further endangering our discrete stocks.

When the State authorized food and bait fishery is coupled with

the unregulated off-shore Federal fishery in the Dutch Harbor area, a definite threat to the future conservation of our discrete stocks is readily apparent.

Western Alaskans had heard these rumors for years. Former Representative Hermann was on such a boat in 1987 and witnessed a by catch estimated at fifty tons by the trawler's captain. She watched the herring separated, and then dumped overboard. Our fisheries have asked the NPFMC repeatedly during your tenure on the Council to act in our behalf to conserve herring.

We understand that the shore-side processors have undertaken this action for two reasons. The first is based on the possibility for seizure for keeping a prohibited species. In 1980, in Napoleon vs. Klutznick, a Federal District Court ruled that herring were fully utilized by domestic fisheries. The Court then prohibited the sale of mixed stock herring taken at sea.

As a result of the Court's ruling, herring once taken as by catch, must be discarded. Foreign fleets would face closure of the fishery if large amounts of herring were taken. DAP and JVP fisheries which developed after the Napoleon decision have escaped similar monitoring and penalty for herring by-catch to date.

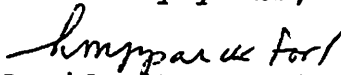
Second, the magnitude of the by catch, which reports place at 10-15,000 tons, is so great that the processor's NPDES permit that limits discharge into Dutch Harbor receiving waters as administered by Alaska's DEC could be compromised.


The cash poor villages that depend on this herring stock for their subsistence and commercial fisheries bring this issue to your attention for several reasons. The NPFMC has instituted emergency measures in the past when the conservation of this stock was in question. ADFG scale analysis has further determined that herring from the discrete stocks of bays north of Togiak intermingle in the area and time of the DAP fishery.

We will work with those trawl companies who demonstrate concern and commitment to limiting herring by-catch in voluntary measures through the By Catch Committee. But the Council understands that monitoring and enforcement on DAP and JVP trawling in the Bering Sea is minimal. Compliance will be spotty throughout the industry. With our only economy at risk, we need the Council's help.

Thank you for your interest in our issue.

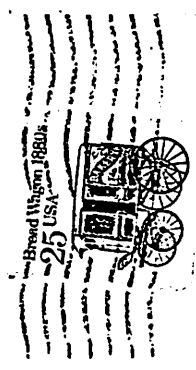
Sincerely yours,


David Bill, Chairman,
Qaluyaat Fisherman's Association


Joseph V. Paniyak
Chairman, Kokechik Fisherman's
Association

HAROLD SPARCK AND ASSOCIATES

P.O. BOX 267, BETHEL, ALASKA 99559



Mr John Peterson
Chairman, NPFMC
Northwest-Alaska Fisheries Center
7600 Sand Point Way, N.E.
Building 4, Bin C-15700
Seattle, WA 98115



Proposed Amendment to Bering Sea Groundfish Plan: Eastern Bering Sea Herring

Proposal: to seek an amendment to the Bering Sea/Aleutian Island Groundfish Plans to place a by-catch ceiling on the take of Eastern Bering Sea herring in the trawl fisheries of the Bering Sea.

Purpose: to establish a ceiling of metric tons as the initial total for the harvest of herring in the trawl fisheries of the Bering Sea and to move to herring as by-catch over a period of one year from the implementation of this ceiling as an amendment to the BS/AI Groundfish Plan.

Rationale: historic information on foreign trawl operations, and analysis of data from JV operation establishes that Eastern Bering Sea herring are taken as by-catch in trawl fisheries of the Bering Sea in the US EEZ. Eastern Bering Sea herring is a fully utilized species. The small discrete stocks of herring north of Cape Newenham are susceptible to overharvest when incidentally taken in large magnitude with stocks from the larger Togiak EBSH stock. Inshore fisheries of Western Alaska depend upon this resource for both subsistence and commercial use. The knowledge that interception occurs at sea both within and without the US EEZ has exposes these stocks to overharvest. Serious social and economic problems have resulted in the past when ocean interception has reduced spawning biomass, threatening the only cash economy of any magnitude in these Bering Sea Rim communities and endangering spawning success. The difficulty of managing herring requires that off-shore interceptions be reduced a fishing function that can be accomplished by time and area closures and interception cap to protect these small, discrete stocks.

Why No Other Alternative Can Accomplish Desired Goal: Any take of the small discrete stocks north of Cape Newenham that can occur with at sea mixed stock interceptions is a threat to the biomass of these stocks. Fishing technology exists to prevent any take of any magnitude. The benefits to EBSH conservation and subsistence and commercial utilization is great, and costs minimal to trawl industries. No other alternative exists to protect these small discrete stocks.

Submitted by the Kokechik Fishermen's Association, Chevak, Alaska, and Qaluyaat Fishermen's Association, Toksook Bay, Alaska



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

AGENDA B-1(d)
DECEMBER 1988

December 1, 1988

Mr. Clarence G. Pautzke
Executive Director
North Pacific Fishery Management Council
P.O. Box 103136
Anchorage, Alaska 99510

Dear Clarence:

As you may be aware, Congress has recently amended the Marine Mammal Protection Act (MMPA). These amendments have resulted in major changes to the sections of the MMPA under which marine mammals were allowed to be taken in the course of fishing operations.

The MMPA Amendments of 1988 now require the Secretary of Commerce to:

Publish in the Federal Register, for public comment, not later than sixty days after enactment a proposed list of the fisheries, along with a statement of the marine mammals and the approximate number of vessels or persons involved in each fishery, that have--

- (i) frequent incidental taking of marine mammals;
- (ii) occasional incidental taking of marine mammals; or
- (iii) a remote likelihood of or no known incidental taking of marine mammals.

Fisheries which have a frequent incidental taking of marine mammals are required to obtain an exemption (permit) and must have observers deployed so that a minimum of 20 percent and a maximum of 35 percent of the effort in that fishery is observed each year. Fisheries with an occasional taking of marine mammals are required to obtain an exemption and to report any interactions with marine mammals. Fisheries with a remote likelihood or no known incidental taking of marine mammals are not required to obtain an exemption.

We have been tasked by our Agency to prepare the list of Alaska fisheries by December 15, 1988. Accordingly, we have listed the major Alaskan fisheries by gear type, have determined the number of permits used in each of these fisheries, and have listed the types of marine mammals taken and the category which we believe best fits each fishery. At present this list is very provisional.



The 1988 Amendments also require the Secretary to utilize the services and programs of Regional Fishery Management Councils to the maximum extent practicable. Therefore, even though our list is still being developed, we wish to send it to you at the earliest possible time. We hope that your staff will be able to review it and provide comments by December 12, 1988. In reviewing our list you may wish to know the following:

--Senate and House Committees have indicated that at a minimum, the list of type (i) fisheries shall include the following: Bering Sea and Gulf of Alaska groundfish trawl fisheries, Prince William Sound/Copper River salmon set and drift gillnet fisheries, Unimak Pass and False Pass salmon drift gillnet fisheries, Columbia River salmon drift gillnet fisheries, and Washington/Oregon thresher shark drift gillnet fishery.

--Although the terms "frequent" and "occasional" are not defined in the amendments, one criteria which we have used in assigning fisheries to the "frequent" category is whether such a fishery has the ability to kill more than 0.5 percent of a regional marine mammal stock.

--Because Congress has indicated that many gillnet fisheries should be listed as type (i) fisheries, and because gillnets have the potential to entangle and incidentally take many species of marine mammals, we have listed most of Alaska's gillnet fisheries as either type (i) or type (ii) fisheries. Fisheries in the western and northwestern parts of Alaska, in which marine mammals taken in fishing gear are usually used for subsistence purposes, have been listed as type (iii) fisheries.

--Our knowledge of the marine mammal species taken in each fishery is limited to published accounts or to reports we have received under our Certificate of Inclusion program. Undoubtedly, some SSC members may have additional insights into the marine mammal interactions which have occurred in Alaska. We would greatly appreciate the benefit of their experience in this regard.

Thank you for any attention which you or your staff may be able to devote this pressing matter. Please call Steve Zimmerman or John Sease if you have any questions.

Sincerely,

for 
James W. Brooks
Acting Regional Director

Alaska's Fisheries: Number of permits used; marine mammal species taken; and the probability, by category, of entangling, seriously injuring, or killing a marine mammal in the course of normal fishing operations.

<u>Fishery</u>	<u>1986 Permits Used*</u>	<u>Category</u>	<u>Species Known to Have Been Taken</u>
<u>GILLNETS</u>			
<u>Salmon Gillnet</u>			
Southeast Alaska Drift Gillnet	460	(i)	Humpback Whale Harbor Porpoise Dall's Porpoise Northern Sea Lion Harbor Seal Sea Otter
Yakutat Set Gillnet	154	(ii)	Gray Whale Northern Sea Lion
Prince William Sound Drift Gillnet	525	(i)	Harbor Porpoise Northern Sea Lion Harbor Seal Sea Otter
Prince William Sound Set Gillnet	17	(ii)	Unknown
Cook Inlet Set and Drift Gillnet	1,213	(ii)	Northern Sea Lion Harbor Seal Beluga Whale
Kodiak Set Gillnet	174	(ii)	Northern Sea Lion
Alaska Peninsula Drift Gillnet	164	(i)	Northern Sea Lion Harbor Seal
Alaska Peninsula Set Gillnet	100	(ii)	Gray Whale
Bristol Bay Set and Drift Gillnet	2,692	(ii)	Northern Sea Lion Harbor Seal Beluga Whale
Kuskokwim Set, Sunken or Drift Gillnet	789	(iii)	
Kotzebue Set, Sunken or Drift Gillnet	187	(iii)	

Yukon River Set, Sunken or Drift Gillnet	669	(iii)	
Norton Sound Set, Sunken or Drift Gillnet	163	(iii)	
<u>Herring Gillnet</u> Statewide	1,374	(ii)	Unknown
<u>Other Finfish Gillnet</u> Statewide	6	(ii)	Unknown
<u>TRAWL FISHERIES</u>			
Bering Sea/Gulf of Alaska Groundfish	313**	(i)	Northern Fur Seal Northern Sea Lion Harbor Seal Spotted Seal Bearded Seal Ringed Seal Ribbon Seal Elephant Seal Walrus Dall's Porpoise Harbor Porpoise Minke Whale Sea Otter
Kodiak Food/Bait Herring	2	(iii)	
Statewide Shrimp	27	(iii)	
<u>FISH TRAP FISHERIES</u>			
Metlakatla	4	(ii)	Northern Sea Lion Harbor Seal
<u>LOGLINE FISHERIES</u>			
Statewide Halibut	3,080	(iii)	
Statewide Groundfish	1,607**	(ii)	Northern Sea Lion Humpback Whale
Prince William Sound Blackcod	25	(i)	Killer Whale
Southern Bering Sea Blackcod	66**	(i)	Killer Whale
<u>TROLL FISHERIES</u>			
Statewide Salmon	1,617	(ii)	Northern Sea Lion
Statewide Halibut	111	(iii)	
Statewide Bottomfish	26	(iii)	

<u>SEINE FISHERIES</u>		
Statewide Salmon Beach or Purse Seine	1,199	(iii)
Statewide Herring Beach or Purse Seine	550	(iii)
Other Statewide Finfish	9	(iii)
<u>POT FISHERIES</u>		
All Statewide Shellfish	1533	(iii)
All Statewide Finfish	226**	(iii)
<u>JIG FISHERIES</u>		
Halibut	69	(iii)
Other Finfish	33	(iii)
<u>DIVE FISHERIES</u>		
Statewide Abalone	23	(iii)
Statewide Dungeness Crab	3	(iii)
Statewide Herring Spawn on Kelp	172	(iii)
Statewide Urchin or Other Fish/Shellfish	19	(iii)
<u>FOUND FISHERIES</u>		
Prince William Sound Herring Spawn on Kelp	81	(iii)
Southeast Herring Food and Bait	1	(iii)
<u>DREDGE FISHERIES</u>		
Statewide Scallop	13	(iii)
<u>HAND SHOVEL FISHERIES</u>		
Statewide Clam	64	(iii)
<u>MECHANICAL/HYDRAULIC FISHERIES</u>		
Statewide Clam	3	(iii)

* Unless otherwise noted, permit numbers have been estimated from 1986 summary data prepared by the Alaska Commercial Fisheries Entry Commission

**Permit numbers estimated from requests for 1988 Federal Groundfish Permits.

This list was developed to address future research needs should there be a 50% increase in the NMFS budget. Items are not in any order of priority.

Bering Sea/Aleutian Islands

- Structure, and degrees of mixing, of pollock stocks throughout the Bering Sea.
- Effects of high Pacific cod abundance on other species of commercial importance (e.g., pollock, Tanner crab, and king crab).
- Causes of fluctuating abundance of king and Tanner crab stocks in the eastern Bering Sea.
- Influence of commercial fisheries on marine mammals:
 - a. Fur seal and sea lion dependence on walleye pollock.
 - b. Influence of killer whales and longline fishermen on each other.
 - c. Influence of the yellowfin sole fishery in northern Bristol Bay on walrus.
- Techniques for better assessment of Atka mackerel in the Aleutian Islands.
- Causes of low recruitment and abundance of Greenland turbot in the eastern Bering Sea.

Gulf of Alaska

- Investigate seasonal changes and distribution (area/depth) on flesh quality of sablefish located in the Gulf of Alaska.
- Techniques for better assessment of pollock in the Gulf of Alaska.

EEZ off Alaska

- Economic evaluation of the consequences of various bycatch management alternatives.
- Effective statistical sampling required for domestic observer programs (by fishery, area, season, and other reasonable components).
- Examination of trawl mesh size on catch and size composition of pollock.
- An examination of institutional problems associated with the analysis of limited access.
- Economic impact of Alaska harvests on the World market, including price impacts of changes in foreign and domestic supply and demand.
- Economic studies of total value of fishery products; processing, marketing, and retailing.

Short and Long-term Research Topics of Priority
to the NPFMC's Gulf of Alaska and Bering Sea/Aleutian Islands
Groundfish Plan Teams

During their November 7-10, 1988 meetings, the Groundfish Plan Teams reviewed the list of research topics developed by the Council staff at the request of NMFS and made the following comments.

First of all, the Plan Teams understand that NMFS intends to review this list of research topics as tasks that might be funded should add-on S-K monies be made available to the Alaska Region. Also, the Teams believe strongly that the principal priority for marine fishery research in the North Pacific is to ensure that baseline longline and trawl surveys continue at least at current levels, and that consideration be given to enhancement of these vital stock surveys. With this caveat in mind, the following research areas are also recommended by the Teams.

This list is not in priority order.

- Greatly expand domestic fishery observer coverage to obtain bycatch rates, species composition, effort data, and total catch including discard rates.
- Mortality estimates for bycatch species in each fishery, particularly halibut mortality.
- Bycatch rates by area and species in each fishery.
- Biomass estimates for shelf demersal rockfish in Southeast Alaska.
- Pollock life history information, especially spawning areas, annual stock production, and egg/larval transport dynamics (mechanisms) in the Gulf.
- Techniques for aging pollock.
- Operational cost data for all fisheries.
- Pacific cod aging studies, including funding for reading backlogged samples.
- Net fishing efficiency data, including effectiveness of various trawl operations in terms of area swept versus retained catch, fish avoidance, etc.
- Seasonal variation in the cod-sablefish-pollock fishery incidental catches to enable better assessment of mechanics to avoid bycatch and to set appropriate fishing seasons.

- Economic evaluation of the consequences of various bycatch management measures.
- Effect of pelagic trawl mesh size on catch and size composition of pollock in order to minimize catch of undersize fish.
- Incidental catch rates among rockfish assemblages.

North Pacific Fishery Management Council

John G. Peterson, Chairman
Clarence G. Pautzke, Executive Director



Mailing Address: P.O. Box 103136
Anchorage, Alaska 99510

605 West 4th Avenue
Anchorage, Alaska 99501

Telephone: (907) 271-2809
FAX (907) 271-2817

November 1, 1988

Dr. Richard Marasco
Northwest & Alaska Fisheries Center
7600 Sand Point Way, N.E., Bldg. 4
BIN C15700
Seattle, Washington 98115

Dear Rich:

On October 11 we talked briefly about establishing a process for identifying research priorities under various levels of funding by NMFS. My call to you as Chairman of the SSC was in response to Jim Brennan's request, through Jim Brooks, for a research plan for next year if NMFS's research effort were to be increased by 50% over current levels. The process we talked about included project identification by the teams, review by the SSC, and final approval by the Council, all in all, a very lengthy procedure.

Brennan's request required a quicker turnaround, and last Friday, based on Council staff discussions, I submitted the list of research topics in Attachment 1 to Jim Brooks. Now it's time to figure out what each one means in terms of manpower, time, and funding, and how they stack up against other research priorities. Moreover, we need an ongoing process for annually establishing the Council's research priorities.

Obviously the SSC will play a key role in reviewing our research needs. I have asked the two groundfish plan teams to go over the research list at their meetings next week as time permits. I plan on then forwarding the refined list to the SSC for their preliminary review at the December meeting. Those topics that meet your approval will subsequently need to be fully fleshed out along the lines of the proposal format in Attachment 2, the Council's policy for programmatic requests.

These expansions will need to be done between the December and January Council meetings, with considerable input from the NMFS Region and Center. It would probably be helpful to assign a small SSC subcommittee to guide the process along. Then in January, the full SSC and Council could approve the expanded proposals for submission to Brennan as backup to our initial list of topics.

Next fall or whenever appropriate, we should go through the process again. I understand that other Councils use a formal procedure for annually identifying research needs and our Council will need to also so we'll be in a sound, well-reasoned position to compete for precious research dollars. Again, I'll need your and the SSC's thoughts on setting up such a formal procedure.

Dr. Richard Marasco
November 1, 1988
Page 2

And finally, the Council will need to establish a mechanism for reviewing NMFS' ongoing research programs and priorities to determine how best to further the Council's research goals. I know this topic is better left to discussions with Jim Brooks and Bill Aron, but I would appreciate your thoughts. As SSC Chairman, we'll need you to help lead the charge even though it puts you in a somewhat sensitive position. Fortunately, this Council is blessed with a very supportive Region and Center which have been forthcoming with information on their programs and funding, so the road shouldn't be too rocky.

I know that you've just arrived back from INPFC and don't have two spare minutes to rub together. However, Chairman John Peterson and I both look forward to your thoughts on the items addressed above.

Sincerely,



Clarence G. Pautzke
Executive Director

attachments

MEMORANDUM

TO: Council, SSC, and AP members

FROM: Clarence G. Pautzke
Executive Director

DATE: December 2, 1988

SUBJECT: Summary of Council Chairmen's meeting

The Chairmen from the eight Councils met October 7-8 in San Francisco to discuss Magnuson Act reauthorization and other issues of mutual concern. Chairman John Peterson, Vice Chairman John Winther, and I attended on behalf of the North Pacific Council. Attachment A lists the other meeting participants. A summary of the meeting is given below.

Magnuson Act Amendments

The following amendment topics from the Homer Chairman's meeting in July were again reviewed by the Chairmen:

- a. Obligatory seats
- b. Joint FMP preparation
- c. Paperwork Reduction Act exemption
- d. Mandatory review schedule for Regulatory Amendments
- e. Economic rent and user fees
- f. Tuna exemption

There was not much change in Council positions for items a-d. Obligatory seats and joint plan preparation are East Coast problems for which those Councils will be providing the lead. All Councils agreed that an exemption from the PRA (item c) should be sought so that there is nothing to hamper the collection of additional fisheries data needed for management.

On item d concerning regulatory amendments, there was no consensus for incorporating a mandatory review schedule in the Magnuson Act as there now is for plans and amendments. Some feel that a mandatory schedule would hasten review of regulatory amendments which are now sometimes given low priority. The counter argument is that some regulatory amendments which otherwise could be quickly processed, would take longer if processed according to a prescribed longer schedule.

There was considerable discussion on item e, economic rent and user fees, not only concerning the definition of economic rent, but the open endedness in collecting fees that the phrase implies. A change in the wording of the last sentence of Section 304(d) was offered so that it would read: "The level of fees charged for a permit ~~under this subsection~~ shall not exceed the administrative costs incurred in issuing ~~the~~ permits. The Secretary may also charge fees to cover the costs of implementing and maintaining a limited access system if so requested by a Council." There was no particular ground swell of support for this new language or of any of the other offerings. Bob Martin of the Mid-Atlantic Council was asked to work up new language for the fees section.

Item f, the tuna exemption, drew a lot of debate, and through it all we remained steadfastly neutral. The other Councils will be commenting on Orbach's tuna analysis by October 24. This analysis, along with others, then could be circulated to all Councils. Bud Walsh, representing the American Tuna Boat Association, would like to speak to the North Pacific Council, probably in January, advocating the retention of the exemption within the Act.

NOAA Proposed Amendments

The NOAA legislative package offers several amendments additional to those discussed above.

Permit fees for foreign fishing and processing. NOAA proposes to amend the Act to require only reasonable foreign fishing fees and to deposit the receipts in the general fund of the U.S. Treasury. Apparently, with the great decline in TALFF, the formula now used to compute the tonnage fees results in amounts that far exceed the exvessel value of the fish. NOAA also wants specific authorization to impose more than just minimal permit application fees on foreign joint venture processing vessels, for example, a fee for the processing of U.S.-caught fish. And finally, concerning fees, NOAA is proposing to remove the two-tier fee structure that was put in place two years ago to hammer those countries that take anadromous species or fail to contribute to U.S. development.

Confidentiality. NOAA recommends excluding from the confidentiality requirement, joint venture and foreign catch by country data that are now non-disclosable. NOAA would still protect the data of individual joint venture companies. This change should give the Council better access to management information.

Internal Waters Exception. NOAA proposes amending section 306(c) to require the Governor of any state to consult with the appropriate council before granting an internal waters joint venture permit.

Assault on an Observer. NOAA proposes to make any act of assault on an observer a criminal offense, rather than just a civil offense.

Capitalize Foreign Fishing Observer Program. Because the precise number of observers needed cannot be predicted accurately, NOAA has had a hard time administering the program and would like it to be initially capitalized to avoid under- and over-estimates of necessary foreign payments. NOAA wants to capitalize the program through an annual appropriation.

Civil Penalty. NOAA wants to increase the maximum civil penalty from \$25,000 to \$100,000, while ensuring that those higher penalties would be reserved for only the most serious violations where other sanctions are unavailable. The Councils did not object to this increase.

Payment to States. NOAA recommends sharing with the states a portion of the civil penalties collected under the Magnuson Act. Currently no reimbursement is authorized other than the loan of property acquired through purchase, forfeiture or surplus. Under the proposed change, NOAA could share a portion of the proceeds of a seizure with the state if there was a cooperative enforcement agreement. The Chairmen had no objection to this.

New England Proposals

The New England Council proposed a batch of language changes in the Act to strengthen the Councils' position in relation to NMFS. They also proposed specific language on enforcement and tuna. Many of their proposals are the same as drafting changes they recommended in the recent revision of the Secretary's Draft Uniform Standards (600's). There wasn't much consensus on these items.

NMFS Marine License Initiative

This topic generated considerable debate. There seems to be a general consensus that some sort of initiative is needed but not this particular one. Of particular importance would be the establishment of a Marine Fishery Conservation Fund. A second concern would be that NMFS do everything in its power to maintain its current funding base and use the monies collected from a license program to augment that base funding, not replace it. Other than voicing concerns with the structure of the proposed license program, the Chairmen did not develop a consensus position.

Council Liaison and Coordination

Bob Mahood (South Atlantic) noted that Jim McCallum on the staff of the House Merchant Marine and Fisheries Committee advocated having a central liaison contact point between all the Councils and the Hill. John Bryson (Mid-Atlantic) noted that the HMM&F Committee could provide office space for such an individual if the Councils could come up with the remaining support for a 6- to 12-month operation during the period of

reauthorization. At that point we offered Ron Miller for such a task. John Green (Gulf of Mexico) noted that in the last reauthorization (1985-86), the cost of such a liaison person was estimated as \$120,000 per year and the Council's did not agree to support it.

The Chairmen then discussed several alternatives for Washington, D.C. liaison:

1. Use a person the HMM&F Committee has in mind. (I think this is Jim Hoff who was a congressional intern and attended our Homer meeting.)
2. Use George LaPoint, a staff person on the Atlantic States Marine Fisheries Commission that is funded by the three East Coast Councils. Those councils seem to be willing to support him to do nation-wide liaison work.
3. Use Jim McCallum for Council liaison. He has worked for the ASMFC and congress and knows the Council system well.
4. Use some other person such as Ron Miller.

From the discussions and slip sliding around the issue, I think its fairly clear that each council would support a liaison person as long as they were sure that person strongly represented that particular Council's interest or at least their coast. For example, Bob Fletcher (Pacific) indicated that they were short on funds and would be most inclined to continue using Guy Thornburgh and the Pacific Marine Fisheries Commission to track legislation.

The East Coast Councils felt of course that they needed someone much closer to the Hill. My general impression is that while all the Councils would like a focus person for legislative matters, each will want their own person on the watch for the Magnuson Act reauthorization.

The Chairmen also spoke on the need for a central coordinator who would serve as a clearinghouse for Council communications. We offered do provide that clearinghouse, an idea that was accepted by Fletcher. However, Dave Borden (New England) immediately jumped in saying that such a coordinator needed to be close to the Hill and very available to congressional staff. Bob Mahood (South Atlantic) probably would offer to do the job. Jim McHugh (Mid-Atlantic) felt that the liaison person should also be the coordinator and accumulator of all correspondence.

Next Chairmen's Meeting

It will be held January 27-29, 1989, probably in Charleston, South Carolina.

Council Chairmen's Meeting Participants
October 7-8, 1988
San Francisco, California

North Pacific: John G. Peterson, Chairman
John Winther, Vice Chairman
Clarence Pautzke, Executive Director

Pacific: Robert Fletcher, Chairman
Larry Six, Executive Director

Western Pacific: William Paty, Chairman
Kitty Simonds, Executive Director

New England: David Bordon, Chairman

Mid-Atlantic: Jim McHugh, Chairman
Robert Martin, Vice Chairman
John Bryson, Executive Director

South Atlantic: Elaine Knight, Chairman
Robert Mahood, Executive Director

Gulf of Mexico: John Green, Past Chairman

Caribbean: Stephan Monsanto, Chairman

Michael Orbach - Consultant on tuna from East Carolina University.