

Executive Director's Report

People in the News

Special congratulations go to Sue Salvesson, just selected as the new fisheries management chief in the Alaska Region. Her new title, is "Assistant Administrator for Sustainable Fisheries". She has worked in the fisheries management division since 1980, and before that was with the Alaska Fisheries Science Center after earning her Masters of Science in Fisheries from the University of Alaska. Aside from having a fancy new title, more pay, and maybe a parking place a little closer to her office, the real perk is that she now gets to give the NMFS Fisheries Management Report to the Council five times a year. Again, congratulations to Sue on her new position!

Second, we have with us Dr. Douglas DeHart, Chief of Fisheries, Oregon Department of Fish and Wildlife. He is here to learn the ropes from Bob Mace, and will serve as his alternate should Bob be unable to attend.

VBA Update

The VBA Committee met on November 14th and proceeded with further development of a workable vessel-specific bycatch allocation program. This topic will be a prominent one at our February Council meeting.

Board of Fisheries Activities

Chris Oliver and Jane DiCosimo attended one day of the Alaska Board of Fisheries Work Session, held October 21-24 in Girdwood. Staff made a brief presentation to the Board regarding recent actions taken by the Council related to halibut charterboat management, halibut local area management plans, the State Pacific cod fishery, proposed Gulf of Alaska trip limits, improved retention/improved utilization, the proposed crab buyback program, proposed delegation of management authority to the State of Alaska for scallops, and groundfish proposals approved by the Council for development. At the meeting, the Board approved a State IR/IU plan and directed ADF&G to release 900,000 lb of the Cook Inlet Pacific Cod GHL and 400,000 lb of the Prince William Sound GHL to NMFS on November 1. [NMFS, however, deemed that these amounts were too small to reopen the federal fishery.]

At its next meeting scheduled for January 5-6, 1998 in Anchorage, the Joint BOF/NPFMC Committee will review the above issues and make recommendations to the BOF and Council when they meet jointly on February 2, 1998.

Meltdown

Bob Mace submitted a very considered letter on October 17 concerning Council operations. It is provided here as item B-1(a). He raises several concerns including: postponing items and overloading future meetings; the need for strict sideboards on meeting length; prioritizing agenda topics; lengthy Council debates; long breaks; and long reports at the first of the meeting. The Council may want to schedule time this week to talk about these concerns and decide how to streamline the meetings as appropriate.

February 1998 Council Meeting

This will be the week of February 2, here in Anchorage. On the first day, we will meet with the Board of Fisheries. Items tentatively on the agenda are shown in the three-meeting outlook under item B-1(b), revised somewhat from the September newsletter. Sitka Sound and subsistence halibut, preliminary reviews of essential fish habitat and inshore-offshore 3, and final actions on the observer program and several other amendments are sure to consume a lot of time. I would suggest meeting with the Board of Fisheries on Monday, so we can start the plenary session on Tuesday. The SSC and AP could start on Sunday or Monday depending on how their agendas shape up.

Travel Claims

Please submit your travel claims for this meeting as soon as possible so that our year-end reports can be completed in a timely manner.

Plan Team Nominee

ADF&G has nominated Al Spalinger to replace Ken Griffin on our crab team. We need formal approval of the Council after we receive the SSC's recommendation.

Proposed Electronic Reporting Requirements

Item B-1(c) is an FR notice seeking public comment on a proposed collection of real-time vessel location information by querying the transponders and vessel monitoring system units on board fishing and processing vessels. It would involve installation of INMARSAT units on the 12 vessels in the North Pacific fleet that do not already have them. Comments are invited by December 29, 1997, on whether the proposed collection of information is necessary for the proper performance of the functions of NMFS, accuracy of the reporting burden requirements, ways to enhance the quality of the collection, and ways to minimize the burden of the collection.

List of Authorized Gear

Item B-1(d) is an excerpt of North Pacific Council-related portions of a draft proposed rule from NMFS that will identify gears used in our fisheries and procedures for introducing new gears. It responds directly to new provisions added to the Magnuson-Stevens Act in 1996. The deadline for comment was December 5th, but we could probably still submit some if necessary.

Disaster Funding for Bristol Bay Salmon Fisheries

Item B-1(e) is a NMFS news release on declaring the Bristol Bay/Kuskokwim salmon fisheries as a commercial fishery failure.

Public Retraction

I have been taken to task by Clipper Seafoods because of an error in the State of Alaska report on foreign ownership that we sent out with all the inshore-offshore information in September. A table in that report, written in 1994, indicated that Clipper Seafoods had some foreign ownership. Item B-1(f) is a letter from Clipper Seafoods stating they are 100% U.S.-owned and wanting a public retraction. Here it is. State records show that indeed they were 49% Japanese-owned by Watarai Co., Ltd in May, 1994, but their 1996 certification shows them to now be all-American!

Stevens Factory Trawler Bill

I should have an update on the bill in time for the Council meeting. It should be noted, however, that Section 616 in Title VI - General Provisions, of the House-Senate Conference Agreement on FY 1998 appropriations for Commerce, Justice State, and the Judiciary, reads as follows:

“The Conference agreement includes section 616, which prohibits funds available in this Act from being used to issue or renew a fishing permit or authorization for any vessel more than 165 feet long or greater than 750 gross tons, and with more than 3,000 shaft horsepower to engage in fishing for Atlantic mackerel or herring. In addition, vessels above these thresholds are prohibited from engaging in the catching, taking, or harvesting of fish in any other fishery within the United States exclusive economic zone (EEZ) (except territories) unless a certificate of documentation had been issued for the vessel and endorsed with a fishery endorsement that was effective on September 25, 1997 and such endorsement is still valid. In addition, language is included to nullify any fishing permit or authorization issued prior to enactment of this Act for vessels prohibited under this section from engaging in the fishing of Atlantic mackerel or herring, and prohibiting funds from being expended to issue a new permit or authorization to allow such a vessel whose Atlantic mackerel or herring permit has been nullified under this section from engaging in the catching, taking or harvesting of fish in any other fishery within the U.S. EEZ. The House bill contained a provision prohibiting vessels of such length from fishing in the Atlantic herring or mackerel fishery. The Senate bill contained no provision addressing these matters.”

MEMORANDUM

TO: Council Members

FROM: Bob Mace
(Typed at his request from original handwritten letter)

DATE: October 17, 1997

SUBJECT: Meltdown

In reviewing the last Council meeting I am concerned that the process is approaching meltdown and some changes must be made if we expect to retain the support of our public and our staff. Continuing to put things off and overloading subsequent agendas should be of concern to all of us, I'm sure, and I think we need to make some procedural changes before the roof caves in. We have met the enemy and it is us.

To begin with, I suggest we place strict sideboards on the length of the meeting and structure the agenda accordingly. Begin at 8:00 a.m. on Tuesday and conclude not later than 4:00 p.m. on Sunday, for example. Holding the Council's feet to the fire is absolutely essential because an indefinite closing time results in oral dysentery, as we all know by experience. All of us have commitments on our time and should be able to plan accordingly.

With respect to the reports, I suggest we delete all items other than the Executive Director's presentation and rely on individual Council members reading the material on their own time. I realize this is a relaxing session with no decisions necessary, but we could better use the time elsewhere. Actually, the reporting session serves as a breather to allow the AP and SSC time to complete action and report on the first decision issues before the Council. I think Steve Hughes made an excellent suggestion with respect to the timing issue and that is to have all staff reports presented at the beginning of the session following the Executive Director's presentation. This would give the AP and SSC time to get underway and also provide the public key information early on so they can better prepare testimony. Then we could take AP and SSC reports and public testimony as the individual agenda items come up later in the process.

Another key issue, it seems to me, is to better prioritize the order in which agenda items are taken up. The more important issues involving the most people, the most controversial, and the greatest need for timely decisions, should be handled first rather than allowing the squeaky wheel to dictate the choice. IFQ issues may no longer be the highest priority to be considered on the agenda.

One of the things that continues to amaze me is the professionalism and efficiency of public testimony. The Chairman does a great job of controlling the time and verbosity of the testifiers, but he has a real chore managing the Council debate. That is where I think we need to help him by setting up and adhering to some ground rules. In my opinion,, attempting to wear down the opposition by interminable discussion, usually between two members, is an unproductive waste of time and should be discouraged. One possible approach would be agreeing to limit the debate and rebuttal before calling for the question. How this is to be accomplished is a matter for Council discussion but I submit that some discipline must be agreed to and enforced if we hope to maintain credibility as a decisionmaking body. I think it is a given that the Council is made up of very sophisticated individuals who know how they are going to vote early on and at least by the end of public testimony. Continuing the rhetoric ad nauseam seldom, if ever, changes the outcome.

Another issue that merits attention is the length of our break periods and we all contribute to that slippage. The Chairman calls for 10 minutes and the average time approaches or exceeds 20 minutes. An extra 10 minutes for six breaks amounts to a lost hour a day which the Council can ill afford. I suggest the gavel come down 10 minutes after the break and those failing to be present do so at their own peril.

In closing, I want to assure you it is not my intent to lecture the Council. I am concerned, however, that we have a lot of unhappy people observing the process and it makes sense to impose some mid-course corrections before someone else does it for us. The Council is an important entity and improving its performance must be a concern to all of us. My respect and love for the people involved has encouraged me to speak out. I won't be with you always, so I take this opportunity to be heard and hope my thoughts stimulate some debate and corrective action.

NPFMC: Three-Meeting Outlook*

December '97 8/Anchorage	February '98 2/Anchorage	April '98 20/Anchorage
<ul style="list-style-type: none"> • IFQ Proposals: Task Staff • IFQ: RAM Season Wrap-up Report • IFQ: Implementation Team Report • IFQ/CDQ Fee Program: Review Progress • Review BOF Initiatives • VBAs: Review progress • Observer Program: <i>Initial Review</i> • Salmon Retention Revisions: Discussion • Gear Storage/Conflict Issues: Report • Limited Processing for CVs: Discussion • Research Priorities: <i>Initial Review</i> • GOA MRB P. cod/ATF: <i>Initial Review</i> • Streamline Groundfish TAC Specification: <i>Initial Review</i> • Groundfish Specs for 1998 GOA/BSAI: <i>Final Action</i> • Pollock "B" Season Adjusts: Discuss • Overfishing Amendments: Status Report • W/C GOA Stand-down/preregistration: <i>Initial Review</i> • Scallop Amendment 3: <i>Final Action</i> • Catch Reporting Accuracy/Precision: Discussion • SRRE Bycatch Allocation: <i>Initial Review</i> • AP/SSC/PNCIAC Memberships 	<ul style="list-style-type: none"> • Council/BOF Committee: Report • Sitka Sound Halibut Mgmt: <i>Final Action</i> • General Area Halibut Plans: Jt Board/Council Report • Halibut Subsistence: <i>Final Action</i> • Observer Program: <i>Final Action</i> • Essential Fish Habitat: Preliminary Review • Russia Report • BSAI Pollock CDQ: <i>Initial Review</i> • EGOA Boundary Changes: <i>Initial Review</i> • Inshore/Offshore 3: Preliminary Review • Research Priorities: <i>Final Action</i> • GOA MRB P. cod/ATF: <i>Final Action</i> • Streamline Groundfish TAC Specification: <i>Final Action</i> • Multispecies CDQ Regulations: Discussion • Crab Buyback Program: Discussion • Trip Limits in W/C GOA: Discussion • W/C GOA Stand-down/preregistration: <i>Final Action</i> • Scallop Limited Entry: Discussion • SRRE Bycatch Allocation: <i>Final Action</i> 	<ul style="list-style-type: none"> • IFQ Amendments: <i>Initial Review</i> • IFQ/CDQ Fee Program: <i>Initial Review</i> • IFQ Weighmasters: NMFS Report • VBAs: <i>Possible Initial Review</i> • Essential Fish Habitat: <i>Initial Review</i> • BSAI Pollock CDQ: <i>Final Action</i> • EGOA Boundary Changes: <i>Final Action</i> • Inshore/Offshore 3: <i>Initial Review</i> • Groundfish Amendments: <i>Initial Review</i> • Bycatch Amendment package: <i>Initial Review</i> • Overfishing EA/RIR: <i>Initial Review</i>
Council/Board of Fisheries Joint Meeting		

* Note: This tentative timeline will be updated periodically, particularly after each Council meeting, as the Council works through its decision process.

MRB = maximum retainable bycatch; ATF = arrowtooth flounder; SRRE = shortraker/rougheye rockfish

decision in this action we are amending our final determination, and we will subsequently instruct the U.S. Customs Service to change the appropriate cash deposit requirements entries subject to this investigation.

Amendment to Final Determination

Pursuant to 516A(e) of the Tariff Act of 1930, as amended, (the Act) we are now amending the final results of this investigation of certain cut-to-length carbon steel plate from Finland.

The recalculated weighted-average margins are as follows:

Producer/manufacturer/exporter	Margin percentage
Rautaruukki Oy	40.36
All Others	40.36

In August 1993, the U.S. International Trade Commission (the Commission) determined that imports of certain cut-to-length carbon steel plate from Finland materially injure a U.S. industry. As a consequence of the Commission's affirmative determination, these products were subject to an antidumping duty order. Since publication of the LTFV final determination and order, the Department has completed, pursuant to section 751 of the Act, first and second administrative reviews of the

antidumping order. As a result, this amended final determination does not necessitate a change in cash deposit rates nor liquidation of the subject merchandise as the order relates to Rautaruukki Oy. However, the Department will instruct the U.S. Customs Service to change the appropriate cash deposit requirements to 40.36 percent of the entered value of the subject merchandise for all other producers/exporters.

Dated: October 22, 1997.

Robert S. LaRussa,
Assistant Secretary for Import Administration.

[FR Doc. 97-28542 Filed 10-27-97; 8:45 am]
BILLING CODE 3510-05-P

June 11, 1984. Notice of issuance of the Certificate was published in the Federal Register on June 14, 1984 (49 FR 24581).

FOR FURTHER INFORMATION CONTACT: Morton Schnabel, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR part 325 (1997).

The Office of Export Trading Company Affairs ("OETCA") is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the Federal Register. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Amended Certificate

Export Trade Certificate of Review: No. 84-00012, was issued to NFE on June 11, 1984 (49 FR 24581, June 14, 1984) and previously amended on May 2, 1988 (53 FR 16306, May 6, 1988); September 21, 1988 (53 FR 37628, September 27, 1988); September 20, 1989 (54 FR 39454, September 26, 1989); November 19, 1992 (57 FR 55510, November 25, 1992); August 16, 1994 (59 FR 43093); and November 4, 1996 (61 FR 57850, November 8, 1996).

NFE's Export Trade Certificate of Review has been amended to:

1. Add each of the following companies as a new "Member" of the Certificate within the meaning of section 325.2(1) of the Regulations (15 C.F.R. 325.2(1)): D & G Packing Inc., Plymouth, Washington; Fox Orchards, Mattawa, Washington; J.C. Watson Company, Parma, Idaho; Jenks Bros. Cold Storage, Inc., Royal City, Washington; Monson Fruit Co., Selah, Washington; Poirier Packing & Warehouse, Pateros, Washington; and Williamson Orchards, Caldwell, Idaho;
2. Delete the following companies as a "Members" of the Certificate: Dole Northwest, Wenatchee, Washington; and Sands Orchards, Inc., Emmett, Idaho; and
3. Change the listing of the company names for the current Members "Roche Fruit Company, Inc." to the new listing

"Roche Fruit, Ltd.; and "Stadelman Fruit, Inc." to "Stadelman Fruit, L.L.C."

A copy of the amended certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Dated: October 22, 1997.

Morton Schnabel,
Acting Director, Office of Export Trading Company Affairs.

[FR Doc. 97-28547 Filed 10-27-97; 8:45 am]
BILLING CODE 3510-05-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Vessel Monitoring and Communications Requirements

ACTION: Proposed collection; Comment request

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before December 29, 1997.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Robert B. Gorrell, F/SF3—Rm. 14603, 1315 East-West Highway, Silver Spring, Maryland 20910 (phone: 301-713-2343).

SUPPLEMENTARY INFORMATION:

I. Abstract

This is a generic collection of information that includes regulatory requirements for vessel monitoring and communication under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing vessels and/or at-sea processing vessels in selected fisheries are required to have installed transponders/vessel

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of issuance of an amended Export Trade Certificate of Review, Application No. 84-8A012.

SUMMARY: The Department of Commerce issued an amendment to the Export Trade Certificate of Review granted to Northwest Fruit Exporters ("NFE") on

tracking systems or Inmarsat Communication Units for onboard communications with the National Marine Fisheries Service. The primary purpose of such equipment is to communicate the vessel's location or, in the case of Inmarsat Communication Units, communicate harvest information collected by observers aboard the vessel. The installation time of the monitoring and/or communication equipment is measured as well as the estimated transmission times for communication.

II. Method of Collection

Real-time vessel location information is collected by querying the transponders and vessel monitoring system units on board the fishing vessels and/or at-sea processing vessels. This method of collection obviates the need for a more costly and problematic requirement that vessel operators report vessel location. Other information on harvest is electronically communicated by NMFS observers on-board fishing vessels. Net-sounder devices are also used to collect data on certain trawl gear.

III. Data

OMB Number: 0648-0307.

Form Number: N/A.

Type of Review: Regular Submission.

Affected Public: Owners and

operators of fishing vessels and at-sea processing vessels.

Estimated Number of Respondents: 861 (150 multispecies vessels, 250 scallop vessels, 190 groundfish at-sea processing vessels, 100 groundfish trawlers around Kodiak, 165 pelagics vessels, and 6 crustaceans vessels)

Estimated Time Per Response: This varies with type of equipment and requirement. Upon installation, vessel monitoring or transponder systems automatically transmit date, which takes about 5 seconds. For requirements to transmit data on Inmarsat communications units, transmissions take about 10 minutes.

Estimated Total Annual Burden Hours: 9,642.

Estimated Total Annual Cost to Public: \$1,408,696. Costs for these different monitoring and communication systems vary; some impose no direct costs on the vessel owners or operators.

Direct costs (actual or projected) to vessel owners or operators of VTS in the Atlantic Sea Scallop Fishery and in the Northeast Multispecies Fishery are, on average: (1) \$7,000 per initial purchase and installation of transceiver/terminal and antenna; (2) \$120 for basic monthly communications and messaging costs; and (3) \$2,000 per year for repairs and maintenance (assuming antenna or other

problems). Out of the 150 multispecies vessels and 250 scallop vessels potentially subject to VTS requirements under existing regulations, an estimated 5 multispecies vessels and 125 scallop vessels already have VTS installed. Therefore, annual installation costs would be \$630,000 (\$7,000 times 270 vessels annualized over the 3-year period of this information collection), annual communications and messaging costs would be \$576,000 (\$1,440 times 400 vessels), and annual repair and maintenance costs could be \$160,000 (\$2,000 times 20 percent of the 400 vessels). These costs total \$1,366,000 annually. A requirement for VTS in the scallop and multispecies fisheries has been proposed, but is not mandatory at present.

Direct costs to industry for communication equipment for electronic reporting by observers in the Alaska Groundfish Fisheries are: (1) \$30,000 per initial purchase and installation of INMARSAT Standard A units; and (2) \$5,000 per initial purchase and installation of INMARSAT Standard C units. All but 12 of the approximately 190 at-sea processing vessels, affected by the requirement for electronic communication equipment to facilitate reporting of fisheries data by observers, are believed to have installed the required equipment. Annual installation costs would be \$36,666 (\$30,000 times 2 vessels installing Standard A units and \$5,000 times 10 vessels installing Standard C units annualized over the 3-year period of this information collection). Costs of net-sounder devices on 100 groundfish trawlers around Kodiak Island are not included here because NMFS does not actually require their use although still in the regulations.

There are no direct costs to owners or operators of the 165 vessels in the Pelagic Fisheries of the Western Pacific because NMFS owns, installs, repairs, and maintains the VMS units. NMFS operation also includes the messaging costs.

Of the 15 permitted vessels in the limited entry Crustacean Fisheries of the Western Pacific Region, 9 also fish in the pelagic fishery and already carry VMS units. The owners or operators of the additional possible 6 lobster vessels would incur a direct cost of about \$2,500 each for initial purchase of VMS units. Installation cost for each unit would be about \$200. Therefore, annual purchase and installation costs would be \$5,400 (\$2,700 times 6 vessels annualized over the 3-year period of this information collection). Annual messaging costs would be about \$270 for the fleet of 15 vessels (15 vessels times 30 days times 4 messages per day

times \$0.15 per message—assumes a 30-day season). Annual repair and maintenance costs for the 6 vessels is estimated at \$360 (\$60 times 6 vessels). These costs total \$6,030 annually.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 23, 1997.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 97-28494 Filed 10-27-97; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 101497E]

Protection of California Salmonids; Public Meeting and Availability of Draft Memorandum Of Understanding (MOU) Between the National Marine Fisheries Service and the State of California for Review and Comment

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

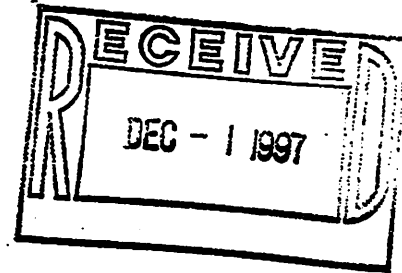
ACTION: Notice of public meeting and request for comments on draft MOU.

SUMMARY: NMFS, Southwest Region, in cooperation with the California Resources Agency, intends to hold a public meeting for the purpose of soliciting public input on development of a MOU between NMFS and the State of California (State). The purpose of the MOU is to seek an agreement with the State on a process that addresses the conservation of California's salmonids.



AGENDA B-1(d)
DECEMBER 1997
UNITED STATES DEPARTMENT OF
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, Maryland 20910

DEC 20 1997



Mr. Richard B. Lauber
Chairman, North Pacific Fishery
Management Council
605 West 4th Avenue
Anchorage, Alaska 99501-2252

Dear Mr. ^{Rich} Lauber:

Please review the attached subject rule, which is required by section 305(a) of the Magnuson-Stevens Fishery Conservation and Management Act. The list of authorized fisheries and gear is based largely on input from the Regional Fishery Management Councils as solicited in letters dated December 30, 1996, and March 11, 1997. The draft lists should be reviewed carefully because of their potential impacts. All reviewers should also examine closely the guidelines for determining when gear or a fishery is "different," as currently drafted in § 600.746(b). Any specific suggestions for making that portion of the regulatory text more explicit are especially welcome.

Please send comments on this draft proposed rule to Mark Millikin in my office by December 5, 1997. Any questions can be directed to Mark at 301-713-2344.

Sincerely,

Gary

Gary C. Matlock, Ph.D.
Director, Office of
Sustainable Fisheries

Attachment



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. ; I.D.]

RIN 0648-AK49

Magnuson-Stevens Act Provisions; List of Fisheries and Gear and Notification Guidelines

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

ACTION: Proposed rule and list of fisheries and gear; request for comments.

SUMMARY: NMFS proposes a list of fisheries and fishing gear used in those fisheries within the authority of each Regional Fishery Management Council (Council) or the Secretary for Atlantic highly migratory species, and guidelines for determining when fishing gear or a fishery is sufficiently different from those listed to require notification of the appropriate authority. This proposed rule would also provide a process by which fishermen can give notice to the appropriate Council in order to use a gear that does not appear on the list of allowable gear types or to participate in an unlisted fishery. The proposed list and guidelines are required by the Magnuson-Stevens Fishery and Conservation and Management Act (Magnuson-Stevens Act), as amended by the Sustainable Fisheries Act (SFA).

DATES: Comments must be received by [insert date 45 days from

the date of publication in the FEDERAL REGISTER].

ADDRESSES: Comments should be sent to Gary C. Matlock, Director, Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments regarding the collection-of-information requirement contained in this rule should be sent to the above address and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Mark Millikin, NMFS, 301/713-2344.

SUPPLEMENTARY INFORMATION:

Background

This rulemaking is required by the Magnuson-Stevens Act (16 U.S.C. 1801 et seq.), as amended by the SFA, which was signed into law on October 11, 1996. Section 305(a) of the Magnuson-Stevens Act requires that the Secretary of Commerce (Secretary) shall, not later than 18 months after the date of enactment of the SFA, publish in the Federal Register, after notice and an opportunity for public comment, a list of fisheries under the authority of each Council and all fishing gear used in such fisheries. This list is to be based on information submitted by the Councils under section 303(a) of the Magnuson-Stevens Act, and for Atlantic highly migratory pelagic fisheries to which section 302(a)(3) applies. In addition, the Magnuson-Stevens Act requires that the Secretary shall include with such a list, guidelines for determining when fishing gear or a fishery is sufficiently

different from those listed as to require Council or Secretarial notification under section 305(a)(3).

List of Fisheries and Gear

As required by the SFA, the Councils submitted to NMFS a list of fisheries under their jurisdiction and the gear types used in each fishery. In addition to these submissions, the List of Fisheries (LOF), as required by the Marine Mammal Protection Act (MMPA) and published on May 27, 1997 (62 FR 28657), was used as an additional source of information to ensure the list of fisheries and gear types was complete. The result is the proposed list of fisheries and allowable gear types for all fisheries within the U.S. Exclusive Economic Zone (EEZ).

Definitions of each gear type were developed to describe and differentiate among gear used in the fisheries. In order to derive these definitions of gear types, existing definitions of gear types were obtained from fishery regulations in Chapter VI title 50 CFR. When a particular gear type was not explicitly defined in the regulations, other sources were used to obtain a definition, including staff of the Councils, NMFS, and the Interstate Marine Fishery Commissions. Literature sources and manuals on gear types were also used to obtain gear definitions. The gear definitions are an important aspect of this activity because the definitions will determine the specific allowable gear in each fishery. In addition, the gear definitions have implications for the guidelines when determining if a particular gear type is sufficiently different from those listed so as to

require notification under section 305(a) of the Magnuson-Stevens Act. General definitions are included in section 600.10 of the regulatory text of this rule.

Prohibitions on Use of Unlisted Gear

Listed gear can only be used in a manner that is consistent with existing laws or regulations. The list of fisheries and allowable gear does not, in any way, alter or supersede any definitions or regulations contained elsewhere in this chapter. A person or vessel is not permitted to engage in fishing or employ fishing gear when such fishing or gear is prohibited or restricted by regulation under an FMP or under other applicable law.

Procedures for Notification of New Gear or Fisheries

After the final rule for this action is published, fishermen will have 180 days to notify the Council or Secretary of any gear or fishery currently existing that was inadvertently left off the list of authorized fisheries and gear. This interim period allows NMFS the chance to further amend the list of authorized fisheries and gear, while the fishermen continue to use such gear, thereby avoiding interruption of the use of gear or participation in a fishery that had already been occurring. When notifying the Council during this 180-day period, a fisherman would have to include the information contained in § 600.746(c)(3) in this proposed rule.

After 180 days following the publication of the final rule that contains the authorized list of fisheries and gear, individuals must notify the Council or Secretary of any unlisted

gear that they want to employ or unlisted fishery that the individual wishes to engage in, but the individual must wait until 90 days after the respective Council or the Secretary signs a return receipt, before using such gear or participating in such fishery. When notifying the Council of any gear or fishery that the individual wants to employ or engage in during this period, the applicant would have to include the information contained in § 600.746(c)(3).

After receiving a notification regarding an unlisted fishery or gear, the Council or Secretary must begin consideration of the notification and immediately send a copy of the notification to the appropriate Regional Administrator. If the Council has no objection to the use of an unlisted gear or participation in a new fishery, it will recommend that the authorized list of fisheries and gear be amended, provide rationale for the amendment, and provide a draft notice of intent to amend the authorized list of fisheries and gear to NMFS that invites public comment, to be published in the Federal Register.

If the Council determines that the use of such gear or participation in a fishery would compromise conservation and management efforts under the Magnuson-Stevens Act, then the Council will notify the applicant and the Regional Administrator of its negative determination and the reasons for such determination. The Council may request that NMFS publish emergency regulations in the Federal Register to prohibit the use of the unlisted gear or to prohibit engaging in an unlisted

fishery. At the same time, the Council should initiate preparation of an FMP amendment or regulatory amendment to prohibit or otherwise restrict the use of such gear or participation in a fishery.

Upon receipt of a notice of intent to amend the list of authorized gear and fisheries, NMFS will publish such notice in the Federal Register, and based on public comments received, will publish a revision to the final list of authorized gear and fisheries in the Federal Register unless the Council objects to the revision after considering public comments. If public comments received result in a negative determination by the Council that originally found no objection to the unlisted gear or fishery, then the applicant will be notified and a notification of the objection will be published in the Federal Register.

NMFS specifically encourages comments on this proposed rule regarding the determination of what constitutes a "different" gear or fishery when an individual is attempting to use a new gear or enter a new fishery not on the proposed list of fisheries and gear. In addition, NMFS requests comments regarding the completeness and accuracy of the proposed list of gear, definitions, and fisheries that may have been inadvertently left off the proposed list of fisheries and allowable gear. NMFS also requests comments regarding the types of information required in the notification that is submitted to the appropriate authority. The proposed list of gear by fishery under fishery management council or the Secretary, in the case of Atlantic highly migratory

species, is listed in § 600.725 of the regulatory text.

Classification

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule will not have a significant impact on a substantial number of small entities. This action does not change the analyses already completed nor the conclusions made under the Regulatory Flexibility Act for any gear that can be used in a fishery or gear that is prohibited seasonally, or year round, for any previous rulemakings for fisheries under 50 CFR parts 600, 622, 630, 640, 644, 648, 649, 654, 660, 678, and 679. As a result, a regulatory flexibility analysis was not prepared for this action. Any future rule prohibiting or restricting use of gear or prosecution of a fishery will be analyzed in accordance with the RFA.

This rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA). This collection of information requirement has been submitted to OMB for approval. Public reporting burden for this collection of information is estimated to average 1 hour per response for Council notification of entry into a new fishery or use of a new gear in a current fishery, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Public comment is sought regarding: Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments regarding these burden estimates or any other aspect of this collection of information, including suggestions for reducing this burden, to NMFS and OMB (see ADDRESSES).

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

List of Subjects in 50 CFR Part 600

Administrative practice and procedure, Confidential business information, Fisheries, Fishing vessels, Foreign relations, Intergovernmental relations, National Oceanic and Atmospheric Administration, Penalties, Reporting and recordkeeping requirements, Statistics.

Dated:

For the reasons set out in the preamble, 50 CFR part 600 is proposed to be amended to read as follows:

PART 600--MAGNUSON-STEVENS ACT PROVISIONS

1. The authority citation for part 600 continues to read as follows:

Authority: 16 U.S.C. 1801 et seq.

2. The definition for trawl is revised and new definitions for bandit gear, bully net, cast net, dip net, dredge, handline, hoop net, iq, lampara net, longline, pair trawl, pound net, powerhead, purse seine, rod and reel, seine, slurp gun, spear, stop seine, tangle net dredge, trammel net, trap, trawl, troll gear, and weir are added to read as follows:

§ 600.10 Definitions.

* * * * *

Bandit gear means vertical hook and line gear with rods attached to a vessel. Lines are retrieved by manual, electric, or hydraulic reels.

Bully net is a circular frame attached at right angles to a

pole and supporting a conical bag of webbing.

Cast net is a conical net thrown, usually by one person, to cover the fish. Heavily weighted around the perimeter, it is provided with draw cords and a retrieving line, which passes through the apical portion. Also called a throw net.

* * * * *

Dip net is a small mesh bag, sometimes attached to a handle, shaped and framed in various ways. It is operated by hand or partially by mechanical power to capture the fish by a scooping motion.

* * * * *

Dredge is a gear consisting of a mouth frame attached to a holding bag constructed of metal rings.

* * * * *

Handline is fishing gear that is set and pulled by hand and consists of one main line to which are attached leader lines with hooks.

* * * * *

Hoop net is a frame, circular or otherwise, supporting a shallow bag of webbing and suspended by a line and bridles.

* * * * *

Jig is a single, non-buoyed, non-anchored line with hooks attached.

* * * * *

Lampara net is a surround net with the sections of netting made and joined to create bagging. It is hauled with purse rings.

Longline is a stationary, anchored, and buoyed line with hooks or two or more groundfish pots attached.

* * * * *

Pair trawl is a cone or funnel-shaped net that is towed through the water by two boats simultaneously.

* * * * *

Pound net is a set net. The trap portion is composed of netting with vertical side, a top, a cover, and non-return valves fitted inside. This may be moored with anchors and casks and held open with stretcher poles or floats.

Powerhead is any device with an explosive charge, usually attached to a spear gun, spear, pole, or stick, that fires a projectile upon contact.

* * * * *

Purse seine is a floated and weighted encircling net that is closed by means of a draw string threaded through rings attached to the bottom of the net.

* * * * *

Rod and reel is a hand-held (including rod holder) fishing rod with a manually or electrically operated reel attached.

* * * * *

Seine is a net with a small conical bag, long narrow wings, and is rigged with floats and weights.

Slurp gun is a suction device that operates somewhat like a syringe. The gun is a tube and operates by sucking up the fish into a holding bag.

Spear is a sharp, pointed, or barbed instrument on a shaft. Spears can be operated manually or shot from a gun or sling.

* * * * *

Stop seine is a short seine that is laid across the wings of a larger seine, thus enclosing the fish in an artificial pond. It is also a small seine used to collect the fish caught inside a large surrounding net.

* * * * *

Tangle net dredge is dredge gear consisting of weights and flimsy netting that hangs loosely in order to immediately entangle the fish.

* * * * *

Trammel net is a gillnet made with two or more walls joined to a common float line.

* * * * *

Trap is a portable, enclosed device with one or more gates or entrances and one or more lines attached to surface floats. Also called a pot.

Trawl is a cone or funnel shaped net that is towed through the water.

Troll gear includes hand troll gear or power troll gear. Hand troll gear means one or more lines with lures or hooks attached, drawn through the water behind a moving vessel, and retrieved by hand or hand-cranked reels or gurdies. Power troll gear means one or more lines, with hooks or lures attached, drawn through the water behind a moving vessel, and originating from a power gurdy

or power-driven spool fastened to the vessel, the extension or retraction of which is directly to the gurdy or spool.

* * * * *

Weir is similar to a pound net. A weir is a large catching arrangement with a big collecting chamber that is made of non-textile material (wood, wicker) instead of netting, as in a pound net.

3. Paragraph (q) is added to Section 600.725 to read as follows:

§ 600.725 General Prohibitions.

* * * * *

(q) The use of any gear or participation in a fishery not on the following list of authorized fisheries and gear is prohibited after [insert date 180 days after the final rule is published in the Federal Register]. Listed gear can only be used in a manner that is consistent with existing laws or regulations. The list of fisheries and allowable gear does not, in any way, alter or supersede any definitions or regulations contained elsewhere in this chapter. A person or vessel is not permitted to engage in fishing or employ fishing gear when such fishing or gear is prohibited or restricted by regulation under an FMP or under other applicable law. However, following the effective date of the final rule, an individual fisherman may notify the appropriate Council, or Secretary in the case of Atlantic highly migratory species, of the intent to use a gear or participate in a fishery not already on the list. Ninety days after such notification, the

individual may use the gear or participate in a fishery unless notified that the petition has been disapproved and regulatory action is enacted to prohibit the use of the gear or participate in the fishery. The list of authorized fisheries and gear is as follows:

FISHERY	ALLOWABLE GEAR TYPES
NEW ENGLAND FISHERY MANAGEMENT COUNCIL	
Northeast Multispecies FMP A. NE Multispecies Sink Gillnet B. North Atlantic Bottom Trawl C. Groundfish Tub Trawl/Hook & Line D. Mixed Species Trap/Pot E. Dredge Fishery F. Seine Fishery G. Recreational Fishery	A. gillnet B. trawl C. longline, jig, handline D. trap/pot E. dredge F. seine G. rod and reel, handline, trap, jig
American Lobster FMP A. Lobster Pot/Trap B. North Atlantic Bottom Trawl C. Coastal/Inshore Gillnet D. Dredge Fishery E. Recreational Fishery	A. pot, trap B. trawl C. gillnet D. dredge E. pot, trap

Coastwide Scallop Dredge Fishery (Non-FMP)	dredge
Finfish and Shellfish Live Trap, Hook and Line (Non-FMP)	trap, handline, troll, jig
Recreational Fishery (Non-FMP)	rod and reel, handline
* NORTH PACIFIC FISHERY MANAGEMENT COUNCIL	
BS and AI and GOA Groundfish FMP A. Groundfish Trawl Fishery B. Bottomfish Troll Fishery C. Longline Fishery D. Handline and Jig Fishery E. BSAI and GOA Pot/Trap Fishery F. Recreational Fishery	A. trawl B. troll C. longline D. handline, jig E. pot, trap F. handline, rod & reel, jig, troll, pot, trap
Pacific Halibut FMP A. Pacific Halibut Troll B. Pacific Halibut Longline/Setline C. Pacific Halibut Handline and Jig D. Recreational Fishery	A. troll B. longline C. handline, jig D. handline, rod & reel, jig, troll
Scallop FMP A. Scallop Dredge Fishery	dredge

High Seas Salmon FMP	
A. Alaska Salmon Troll	A. troll
B. Alaska Salmon Gillnet Fishery	B. gillnet
C. Alaska Salmon Purse Seine Fishery	C. purse seine
D. Recreational Fishery	D. handline, rod & reel, troll
BS and AI King and Tanner Crab FMP	
A. Alaska Crustacean Crab Pot	A. pot
B. Recreational Fishery	B. pot
Alaska Pair Trawl (Non-FMP)	pair trawl
Alaska Finfish Otter/Beam Trawl (Non-FMP)	trawl
Octopus/Squid Purse Seine (Non-FMP)	purse seine
Finfish Purse Seine (Non-FMP)	purse seine
Octopus/Squid Longline (Non-FMP)	longline
BS/GOA Pot/Trap Fishery (Non-FMP)	pot, trap
Finfish Handline/Jig (Non-FMP)	handline, jig
Octopus/Squid Handline (Non-FMP)	handline
Recreational Fishery (Non-FMP)	handline, jig, rod & reel, troll

WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL

Shark FMP A. Hand Gear Fishery B. Longline Fishery C. Drift Gillnet Fishery	A. rod and reel, handline, bandit gear, harpoon B. longline C. gillnet
Swordfish FMP A. Hand Gear Fishery B. Longline Fishery C. Drift Gillnet Fishery	A. rod & reel, handline, harpoon B. longline C. gillnet
Billfish FMP (Recreational Only) Hand Gear Fishery	rod and reel, handline, bandit gear, harpoon
Tuna (Non-FMP) A. Hand Gear Fishery B. Purse Seine Fishery C. Longline Fishery	A. rod and reel, handline, bandit gear, harpoon B. purse seine C. longline
Recreational Fishery (HMS)	rod and reel, bandit gear, harpoon, handline

4. Section 600.745 is added to read as follows:

§ 600.746 Guidelines and procedures for determining new fisheries

and gear

(a) General. Section 305 (a) of the Magnuson-Stevens Act requires the Secretary to prepare a list of all fisheries under the authority of each Council or the Secretary for Atlantic highly migratory species, and all gear used in such fisheries. This section contains guidelines for determining when fishing gear or a fishery is sufficiently different from those listed as to require notification of the Council or Secretary in order to use the gear or participate in the unlisted fishery. This section also contains procedures for Council or Secretarial notification of potentially new fisheries or gear, and for amending the list of fisheries and gear.

(b) Guidelines. The following guidance establishes the basis for determining when fishing gear or a fishery is sufficiently different from those listed to require notification of the appropriate Council or the Secretary.

(1) The initial step in the determination is to compare the gear or fishery in question to the list of authorized fisheries and gear in § 600.725 (q) and to the existing gear definitions found in section § 600.10.

(2) If the gear in question falls within the bounds of a given definition in § 600.10 for an allowable gear type within that fishery, then the gear will not be considered different, will be considered allowable gear, and would not require notification of the Council before it can be used in that fishery.

(3) If, for any reason, the gear is not consistent with a

gear definition for a listed fishery, the gear will be considered different and requires Council notification as described in paragraph (c of this section before it can be used in that fishery.

(4) If the fishery in question for a given area falls within the bounds of the list of authorized fisheries and gear in § 600.725 (q) under the Council's jurisdiction, then the fishery will not be considered different, will be considered an allowable fishery and will not require notification of the Council before it can occur.

(5) If the fishery for a given area is not already listed under the Council that has jurisdiction for that area in the list of authorized fisheries and gear in § 600.725 (q), then the fishery will be considered different, and will require notification as described in paragraph (c of this section before it can occur.

(c) Procedures. If a gear does not appear on the list for a particular fishery, or is different from the gear as defined, the process for notification, and consideration by a Council or the Secretary, is as follows:

(1) Initial notification period. Through [insert date 180 days from date of publication in the FEDERAL REGISTER of a final rule that contains a list of authorized fisheries and gear], fishermen may notify the Council with management authority for the area in which they operate, or the Secretary for Atlantic highly migratory species, regarding participation in a fishery, or use of

any gear that is not included on the published list of fisheries and gear in section 600.725. Such notification must follow the procedures in paragraph (c)(3) of this section.

(2) Notification after the initial period. After [insert date 180 from date of publication in the FEDERAL REGISTER of a final rule that contains a list of fisheries and gear], no person or vessel may employ fishing gear or engage in a fishery not included on the list of approved gear types without notifying the appropriate Council at least 90 days before the intended use of that gear.

(3) Notification procedures. (i) A signed return receipt for the notice serves as adequate evidence of the date that the notification was received and establishes the beginning of the 90-day notification period.

(ii) The notification must include:

(A) Name, address, and telephone number of the person submitting the notification.

(B) Description of the gear.

(C) The fishery or fisheries in which the gear is or will be used.

(D) A diagram, and/or photograph of the gear, as well as any specifications and dimensions necessary to define the gear.

(E) The season in which the gear will be fished.

(F) The area in which the gear will be fished.

(G) The anticipated bycatch species associated with the gear.

(H) How the gear will be deployed and fished.

(iii) Failure to submit complete and accurate information will result in a delay in beginning the 90-day notification period.

(4) Action by the Council. (i) Upon receipt of the notification regarding an unlisted fishery or gear, a Council must immediately begin consideration of the notification and send a copy of the notification to the appropriate NMFS Regional Administrator, or the Director, Office of Sustainable Fisheries, in the case of Atlantic highly migratory species.

(ii) If the Council finds no objection to the use of an unlisted gear or participation in a new fishery, it shall:

(A) Submit to NMFS any proposed changes to the list of allowable gear or fishery;

(B) Provide such additional information as necessary for proper consideration by the public or the Secretary; and

(C) If, following public comment, the Council still finds no objection to the use of an unlisted gear or participation in a new fishery, it will provide an amendment to the list of gear, by fishery, for publication in the Federal Register.

(iii) If the Council determines that the use of the gear or participation in a fishery described in the notification would compromise conservation and management efforts under the Magnuson-Stevens Act, it shall:

(A) Notify the applicant and the NMFS Regional Administrator of the negative determination and the reasons for such determination.

(B) If deemed necessary, request NMFS to publish emergency regulations in the Federal Register to prohibit use of the unlisted gear or to engage in an unlisted fishery.

(C) Initiate action to prepare or amend an existing FMP that would prohibit or otherwise restrict the use of such gear or participation in a fishery.

(5) Action by NMFS. (i) Upon receipt from the Council, NMFS will publish a notice of intent to amend the list of gear by fishery in the Federal Register.

(ii) Based on public comments received, NMFS will publish a final revised list of allowable gear or fishery in the Federal Register.

Mail for Clarence Pautzke

Date: 11/13/97
Sender: constaff@hovis.rdc.noaa.gov
To: Clarence Pautzke
Priority: Normal
Subject: NOAA NMFS Declares Commercial Fisheries Failure

TO: Clarence Pautzke
North Pacific Fishery
9,1-907-271-2817

Constituent Contact: Susan Weaver
(202) 482-6096
Susan.A.Weaver@NOAA.GOV

NMFS DECLARES COMMERCIAL FISHERIES
FAILURE IN ALASKA'S BRISTOL BAY/KUSKOKWIM SALMON FISHERY

In response to the record low returns of salmon in the Bristol Bay and Kuskokwim region of Alaska, the National Marine Fisheries Service today declared a commercial fishery failure, in the region. This declaration is designed to assist commercial fishermen and small fishery-dependent businesses that have sustained heavy uninsured losses, the National Marine Fisheries Service said.

For the first time, the Commerce Department has used its legislative authority under section 312(a) of the Magnuson-Stevens Act to declare a commercial fishery failure in response to a request from a governor. Alaska Governor Tony Knowles formally requested the declaration under the Act in August after the salmon runs projected for the two areas were off by 78 percent. The low salmon runs caused the value of the fishery to drop nearly \$100 million from recent averages.

This declaration will allow the National Marine Fisheries Service (NMFS) to provide funds appropriated for this purpose to the state of Alaska to assess the economic and social effects of the commercial fishery failure or to support an activity that would restore the fishery or prevent a similar failure in the future and to assist a fishing community affected by such failure. The Act limits the federal share of the cost of any relief activity to 75 percent. Funds to support any disaster relief have not yet been appropriated, and currently there are none available.

In recognition of the urgency of the state's request, NMFS made the finding today in advance of developing interpretive guidelines under the Act. NMFS has formed a task force to develop regulatory guidelines by which to guide future disaster requests.

The commercial fishery failure occurred as a result of the inordinately poor runs of sockeye and chum salmon in the Bristol Bay and Kuskokwim River areas. According to data supplied by the Alaska Department of Fish and Game, the 1997 harvest of 12.3 million sockeye salmon was the lowest catch since 1978. In 1996, the fishery harvested 29.6 million sockeye from a run totaling 36.9 million fish, which was a record year. The harvest of chum salmon fell to 307,000 fish from an average harvest of 1.2 million fish. According to the state, about 790 small businesses in Alaska have suffered substantial economic injury due to the fishery failure.

According to officials, the exact cause of the unexpectedly low returns of salmon is impossible to pinpoint, but the evidence points to a marine ecological event. Unusually warm conditions prevailed in the region this

Mail for Clarence Pautzke

summer. Surface water temperatures ranged considerably warmer than those previously observed.

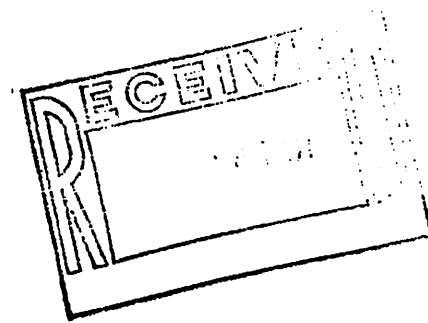
Under Section 312(a) of the Magnuson-Stevens Act NMFS can declare a commercial fisheries disaster if requested to do so by a governor, or at any time the agency decides to do so. NMFS must determine that a fishery resource disaster resulted from either natural causes, man-made causes beyond the control of fishery managers, or undetermined causes. Further, if a commercial fishery failure occurred, then it must have resulted from the fishery resource disaster.

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NOTE: All NOAA press releases, and links to other NOAA material, can be found on the Internet at <http://www.noaa.gov/public-affairs>. Constituents who wish to be added to our press release distribution list, or who wish to switch from fax to e-mail delivery, can send an e-mail to constaff@www.rdc.noaa.gov, or fax to (202) 501-2953. To respond to the contact named at the top of this release, please use his or her e-mail address (if noted) or telephone. Do not use the reply function of your e-mail program because your message does not go to the contact person.

CLIPPER SEAFOODS, LTD.

641 West Ewing Street
Seattle, WA 98119
Telephone (206) 284-1162
Fax (206) 283-5089



Mr. Clarence Pautzke
Executive Director
North Pacific Fishery Management Council
605 W. 4th Avenue
Anchorage, Alaska 99510

Dear Mr. Pautzke,

It has come to our attention that during the September NPFMC meeting in Seattle, the Council distributed a handout containing numerous tables. Contained in these tables was a list of seafood processors with alleged foreign ownership (copy enclosed). These tables were prepared by the state of Alaska Legislative Research Agency. We were chagrined to find Clipper Seafoods, LTD. named in four of the six tables in the list. Clipper Seafoods, LTD. is 100% American owned. There is absolutely no foreign ownership.

The issue of foreign ownership in the groundfish industry appears to be becoming quite volatile. The issue will be an item of increasing scrutiny in the near future. We at Clipper Seafoods are somewhat surprised that the council would distribute this information without verifying its accuracy. The Industry expects and relies on the Council to manage the groundfish fisheries of the North Pacific with accurate information. Thus, it is essential that their decisions be based on factual information. In order to meet these expectations, the council should verify any information it distributes to ensure its validity.

Clipper Seafoods, LTD. expects the Council to issue a retraction at the next North Pacific Fisheries Management Council meeting.

Sincerely,

William Dennis
Clipper Seafoods, LTD.

**DRAFT Minutes of the Ecosystem Committee Meeting
December 7, 1997**

The NPFMC's Ecosystem Committee met for a full day on Sunday, December 7 in Anchorage. Committee members Dave Fluharty, Linda Behnken, Kevin O'Leary, Chris Blackburn, and Kristen Stahl-Johnson were present, along with approximately 25 others. The meeting was conducted based on the attached agenda. A brief summary of each report is provided below.

Loh-lee Low provided a summary of the Bering Sea Ecosystem Workshop that was held in Anchorage on December 4-5. The workshop, sponsored by DOI, NMFS, and ADF&G, was developed to in response to concerns raised by a DOI white paper and potential availability of funding for Bering Sea research (environmental restoration fund: the Dinkum-Sands bill). The meeting represented a first step for the agencies to come together and share data bases on the Bering Sea ecosystem. The next step in the process will be to develop a common vision (goals) for the ecosystem. Several committee members noted that the Bering Sea is connected to the Gulf of Alaska, and we shouldn't consider the Bering Sea as an isolated ecosystem. Low also provided additional details on the Dinkum-Sands money. An amendment by Senator Stevens and others added \$800 million to a trust fund. Of that, 20% (\$160 million) will be set aside as a capital fund for marine ecosystem research. Interest from this (approx. \$8 million per year) will be eligible to be used (if appropriate) to fund North Pacific environmental research; anticipated to begin in 1999. Funding will be allocated from grants through a 19 member research board, which has yet to be established.

Gretchen Harrington provided an overview of the Center for Marine Conservation workshop on the Bering Sea ecosystem that was held October 6-7. The objective of the workshop was to figure out how to proceed with ecosystem-based management given existing data. The meeting format was a mediated dialog through a facilitator. About 70 people attended. Many of the discussions focused on the interactions of people, pollock, and pinnipeds. Participants provided their insights on adaptive management and the application of the precautionary approach. Proceedings of the workshop will be available by the end of January.

Dave Fluharty summarized the progress of the Ecosystem Principles Advisory Panel. The panel includes experts from all areas of the U.S., and is well represented by people from the North Pacific region including Dave Fluharty, Chris Blackburn, Tory O'Connell, and Bob Francis. The charge of this national panel is to provide the Congress with an analysis of what ecosystem principles are applied in fisheries management, and to give direction to Congress on how to expand application of ecosystem principles and research needed to support it. The next meeting of this committee is scheduled for December 15-16 in Seattle, and part of the focus of this meeting will be on the link between communities and marine ecosystems.

Dave Witherell provided a brief overview of the 1998 Ecosystems Considerations Chapter of the SAFE report. New sections this year included discussions of the precautionary approach, suggestions for Steller sea lion recovery, and information from coastal communities. Expanded sections from previous reports include essential fish habitat, oceanographic effects on groundfish stocks, status of seabirds and marine mammals, and impacts of fishing gear on benthic communities. More details were provided in the following presentations.

Chris Blackburn reviewed the Ecosystem Chapter section on local observations from the fishing fleet and communities. A plan team committee developed a paper on how data should be collected and maintained, as well as the types of information to be collected. As a first step, attendees at the plan team meeting provided a list of observations from 1997. Chris suggested that the Council mail out a letter to fishing company representatives

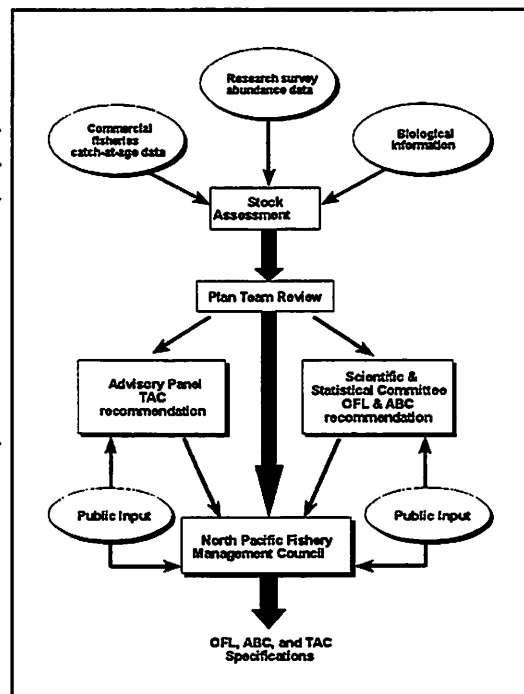
to request that they volunteer their observations for 1997. The committee concurred, as suggested that such a request be widely broadcast and that feedback be provided to contributors as to how the information is used. The committee also suggested that observations of stomach contents be solicited, as these may be useful indicators of year-class strength or other ecological change.

Rich Ferrero provided a summary of the status of Steller sea lions. The latest survey results indicated a decline of both adults and juveniles in the central and western GOA. Also disturbing was a decline in the eastern Aleutian Islands, an area where the population had thought to have been stabilized. He noted that the NMML may suggest a change in allocation of GOA pollock by trimester by allocating more pollock to the summer season. He felt that less pollock taken in critical winter months may benefit sea lions.

Vivian Mendenhall updated the committee on the status of seabirds. Most of the seabird populations monitored are stable at this time. Exceptions include Steller eiders and spectacled eiders, which are thought to be in very low abundance. Concern was expressed about potential negative impacts on these species by an extended opilio fishery this year. Spectacled eiders have been known to be attracted to, and crash into, lighted vessels during the winter crab fishery. Vivian was encouraged by the Councils response to establishing regulations to scare seabirds away from longlines to reduce bycatch. These regulations could serve as an example to the rest of the world as they also work to reduce seabird bycatch.

Jeep Rice and Jeff Fujioka summarized the habitat and environmental studies being conducted at the NMFS Auke Bay Laboratory. Long-term funding of habitat seems to be a major concern. Funds from the essential fish habitat (EFH) initiative may provide some additional research, but Jeep noted that it is tough for Alaska to compete for these funds nationally as this area is considered to be relatively pristine. Nonetheless, Jeff noted that for many of our groundfish species, particularly for the egg, larval, and juvenile life stages, we have very little data on distribution or habitat associations.

The committee began the afternoon session with a review of its function and a discussion of how to incorporate ecosystem concerns into the annual catch specification process. Currently, the stock assessment authors provide a quantitative assessment of the stocks biomass and a quantitative assessment of acceptable biological catch (ABC) levels. Some, but not all, of these assessments include a quantitative evaluation of uncertainty in the ABC determination. These ABCs are calculated in the context of the ecosystem, even though a single species approach is used. None of the assessments explicitly include ecosystem considerations, however. To date, a majority of plan team members and assessment authors have felt that ecosystem considerations should be taken into account by the Council as part of the TAC specification process. Members of the ecosystem committee believed that the scientists should incorporate uncertainty and ecosystem concerns into the stock assessments. These concerns should be quantified if possible. If this could not be done by the scientists, the committee suggested that a group of "wise people" could evaluate available information to make quantitative recommendations to the Council.



The committee had two recommendations for the Council. They are as follows:

1. Recommend the Council send a request to the Council family to provide observations on marine ecosystem changes noted during 1997 and in other years [see draft Ecosystem 1998 Chapter of SAFE documents]. The Council is well served by scientific inputs from surveys, observer programs, and other data and analysis efforts. In keeping with the trend toward more inclusive management, and the realization that the fishers and processors have numerous anecdotal and systematic observations of marine ecosystem change (unusual bycatch, stomach contents, behaviors), it would be useful to solicit such information. Given the anomalous sea surface temperatures observed in the North Pacific in 1997, these observations should be documented as soon as possible.

2. Recommend that the Council clarify its instructions to plan teams and stock assessment authors

Plan team members and stock assessment authors are apparently unsure about the Council's expectations for use of ecosystem considerations with respect to setting ABC and TACs. How far should the stock assessments go in attempting to incorporate environmental parameters in setting ABC or modifying it relative to TAC? Some plan team members may feel uncomfortable going beyond the quantitative stock assessment to advise the Council on levels of uncertainty surrounding the stock estimate or about interactions with other ecosystem components. A second issue relates to the need to understand how the stock assessments already incorporate significant information about the ecosystem. Current stock assessments are sometimes dismissed as "single species" models that do not take into account ecosystem parameters. Therefore, the Ecosystem Committee recommends that the plan teams and assessment authors:

- A. Identify explicitly the use of assumptions and input variables that incorporate ecosystem parameters in the currently performed quantitative stock assessments.
- B. Provide to the Council any discussion or differences of opinions on choice of models or parameters that may affect quantitative stock assessments.
- C. In addition, provide information to the Council on ecosystem (and socio-economic) concerns that may not be adequately captured in the stock assessments. This information could be quantitative or qualitative and intended as advice to the Council that it may wish to consider in setting TACs.

The meeting adjourned at approximately 5 pm.

UPDATE: *In Council discussion about TAC setting, it was apparent that time/area fishery management may be necessary for some fisheries to address marine mammal and seabird concerns. The Ecosystem Committee chair offered to use the committee as a forum to explore how time/area fisheries management could be implemented by the Council. Below is a proposed approach of how the Ecosystem Committee would proceed.*

The Ecosystem Committee would work with the Council family, including industry, science, management (AP/SSC/Council/NMFS), and others to explore the following issues:

- 1. Use of time/area fishery management theory and applications;*
- 2. Defining issues for the North Pacific, and*
- 3. Discuss options for Council action.*

Starting with the February meeting, the Ecosystem Committee would gather information on use of time/area as a fishery management tool. An evening meeting of the Committee would convened during the Council week to develop an agenda, discuss the issue, and develop a work plan for Council consideration. The Ecosystem Committee would take into account the NMFS efforts to prepare a comprehensive approach to Steller sea lion management, and other efforts.

Attendance List for December 7 meeting:

Dave Fluharty (committee chair)
Chris Blackburn (member)
Kristen Stahl-Johnson (member)
Linda Behnken (member)
Kevin O'Leary (member)
Dave Witherell (staff)
Gordon Kruse (advisor)
Everett Robinson-Wilson (advisor)
Clarence Pautzke
Tamra Faris

Chuck Fowler
Ole Mathisen
Richard Ferrero
Vivian Mendenhall
Andrew Trites
Gretchen Harrington
Craig Rose
Jeff Fujioka
Tom Okey
Loh-lee Loh

Stephanie Madsen
Paul MacGreger
John Gauvin
Stan Rice
Chris Oliver
Mike Szymanski
Henry Mitchell
Dorothy Childers
Steve Ganey

DRAFT AGENDA
Ecosystem Committee Meeting
December 7, 8:00am-4:00pm
Hilton Hotel Anchorage, Katmai Room

Morning Session - Review of ongoing ecosystem research

- 8:00 Introductions and review of agenda (Dave Fluharty, Committee Chair)
- 8:15 Review of Bering Sea Ecosystem Workshop (Loh-lee Low)
- 8:45 CMC Workshop on the Bering Sea Ecosystem (Gretchen Harrington)
- 9:00 Ecosystem Principles Advisory Panel (Dave Fluharty)
- 9:15 Overview of Ecosystem Considerations Chapter for 1998 (Dave Witherell)
 - discussion of plan teams list of considerations
- 9:30 Potential impacts of 1997 El Nino event
- 9:45 Collection of local knowledge on ecosystem change (Chris Blackburn)
- 10:00 Status of marine mammals and recovery plans (Rich Ferrero)
 - review of survey data
 - review options for Steller sea lion recovery
- 10:30 Status, bycatch, and dieoffs of seabirds in 1997 (Vivian Mendenhall)
- 10:45 Essential fish habitat reports (Jeff Fujioka)
 - status of reports, timeline for amendments
 - discussion of current thinking on EFH definitions
- 11:00 Ecosystem and habitat research at Auke Bay lab (Jeep Rice)
 - current research and findings
 - proposed research for EFH; status report

Afternoon Session - Review role of Ecosystem Committee and general discussion

- 1:00 Functions of Ecosystem Committee (Dave Fluharty)
 - review Council approved functions
 - further develop terms of reference of committee's makeup, process, and activity
- 2:00 General discussion and advice to the Council
 - including research recommendations

PACIFIC FISHERY MANAGEMENT COUNCIL

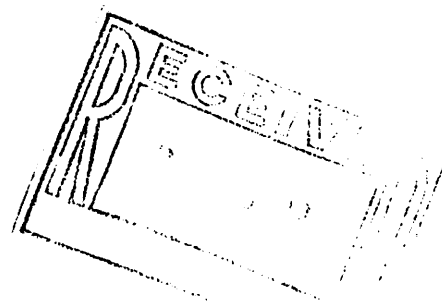
2130 SW Fifth Avenue, Suite 224
Portland, Oregon 97201

Telephone: (503) 326-6352

CHAIRMAN
Jerry Mallet

EXECUTIVE DIRECTOR
Lawrence D. Six

December 4, 1997



Mr. Richard B. Lauber, Chair
North Pacific Fishery Management Council
605 West Fourth Avenue, Suite 306
Anchorage, AK 99501-2252

Dear Rick:

At our November meeting, the Pacific Fishery Management Council convened its newly established Highly Migratory Species (HMS) Policy Committee and adopted several recommendations of the Committee. The Council voted to appoint a HMS advisory panel at its March 1998 meeting and to nominate Council member Mr. Robert Fletcher to serve on the advisory panel of the Inter-American Tropical Tuna Commission. The Council also proposes the formation of an inter-council policy committee, or some coordinating mechanism, to enhance communication and coordination of efforts for Pacific highly migratory species.

Although there is no consensus on whether or how to proceed with a comprehensive highly migratory species fishery management plan for the Pacific region, coordination among the councils is needed. For example, the recent National Marine Fisheries Service proposed rule banning the sale of undersized swordfish provides an opportunity for coordination among the three councils.

Please let us know if you agree that an inter-council coordinating committee should be established. If so, we would be interested in your suggestions regarding composition, process, meeting schedules, agenda items, or other matters. In order to minimize cost, we could use telephone conferences and/or meet in conjunction with Council chair meetings or other meetings involving the councils.

We look forward to working with you on this issue.

Sincerely,

Jerry Mallet
Council Chair

JKW:rdh

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

P.O. BOX 25526
JUNEAU, ALASKA 99802-5526
PHONE: (907) 465-4100
FACSIMILE: (907) 465-2332

December 4, 1997

Clarence Pautzke, Executive Director
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Dear Mr. Pautzke:

Membership on the Council's Plan Team for king and Tanner crab fisheries of the Bering Sea/Aleutian Islands is short one person with the retirement of Mr. Ken Griffin of the Alaska Department of Fish and Game. Mr. Griffin's contributions to the crab plan team will be missed given his years of experience managing Bering Sea king and Tanner crabs.

The department recognizes appointments to the Plan Team should reflect the Plan Team's responsibility to evaluate and make recommendations on management, biological, economic and social conditions of the fisheries. I would like to recommend appointment of Mr. Al Spalinger, Regional Shellfish and Groundfish Management Biologist for Westward Region. Please find enclosed Mr. Spalinger's resume documenting 18 years of fishery management experience with the department.

Thank you for considering this recommendation.

Sincerely,



Frank Rue
Commissioner

Enclosure

cc: Peggy Murphy, ADF&G
Kim Rivera, NMFS, Juneau

James Alan Spalinger
1548 Sawmill Circle Drive
Kodiak, Alaska 99615

486-1840 (W) 486-5582 (H)

Personal Data

Born: 6/2/50 Bakersfield, California
Height: 5'11", Weight: 170
Alaska Resident since 1975

1975-1995

State of Alaska
Department of Fish and Game
Commercial Fisheries Management and Development
Kodiak, Alaska

1965-1974

Education

I graduated from Foothill High School in Bakersfield, California in 1968. I attended Bakersfield Junior College until 1971 when I was accepted to attend Humbolt State University of Arcata, California. In 1974 I completed a B.S. degree in Wildlife Management from HSU.

Professional Experience

From 1975-1977 I worked as a Fishery Technician with the National Marine Fisheries Service (NMFS). While employed with NMFS my primary involvement was with shrimp and crab assessment in the Gulf of Alaska and the Bering Sea. In 1977-1978 I worked as a temporary biologist with the Division of Sportfish.

Accepting a permanent full time position in 1978 with the Alaska Department of Fish and Game, Commercial Fisheries. I was responsible for commercial shrimp catch sampling and shrimp stock assessment.

In 1979 I worked as an Assistant Area Management Biologist for the Chignik Salmon project.

From 1980-1990 I worked as the Assistant Area Shellfish Management Biologist for the Kodiak area. During my employment in this position I was responsible for writing the Annual Management Reports, Board Reports, emergency orders and news releases. This position was responsible for documentation of the commercial catch of all shellfish in the Kodiak area.

I was also involved in stock assessment of shellfish resources in the Kodiak and Alaska Peninsula Areas.

For years 1990-1995 I served with the Alaska Department of Fish and Game as the Kodiak/Alaska Peninsula Area Shellfish Management Biologist. This position is responsible for the Management and assessment of all shellfish resources in Kodiak and the Alaska Peninsula.

Since June of 1995, I have worked as the Regional Shellfish and Groundfish Management Biologist. This position serves as the region supervisor of management of all shellfish and groundfish issues within the Westward Region.

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

P.O. BOX 25526
JUNEAU, ALASKA 99802-5526
PHONE: (907) 465-4100
FACSIMILE: (907) 465-2332

December 8, 1997

Mr. Clarence Pautzke, Executive Director
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99510-2252

Dear Mr. Pautzke:

I would like to nominate Mr. Jeffrey Barnhart for membership to the Council's Scallop Plan Team. Jeff is a fishery biologist for Alaska Department of Fish and Game, Commercial Fisheries Management and Development Division in Kodiak. Jeff heads our scallop observer program, and is actively involved in fishery management; his knowledge of scallop biology is second to none among our staff. With the recent retirement of Ken Griffin, there is a vacancy on the Scallop Plan Team, and we feel that Jeff would be an ideal replacement.

I appreciate your consideration of our nomination of Jeff Barnhart for membership to the Scallop Plan Team. A copy of his resume is enclosed.

Sincerely,



Frank Rue
Commissioner

Enclosure

cc: Gordon Kruse
Pete Probasco

RESUME OF JEFFREY P. BARNHART

11276 Bells Flat Road
Kodiak, Alaska 99615

Work Phone: (907) 486-1816
Home Phone: (907) 487-2357

PERSONAL DATA

Born 4/19/55, York, Pennsylvania. Height, 6' 0". Weight 180 pounds. Alaska resident since 1974.

BACKGROUND AND QUALIFICATIONS

Currently I am employed as a fisheries biologist in the Kodiak office of the Alaska Department of Fish and Game, commercial fish division, shellfish section. I transferred into this position in June 1994 when I began working with the recently organized scallop observer program. This is a statewide position responsible for determining project goals and objectives for the onboard scallop observer program, including collection of research and management data with an outlook toward future data requirements to manage weathervane scallops on the sustained yield principle, without overharvesting. The primary goal is to gather data necessary to support recommendations for new regulations, regulation changes, area closures and openings and fishing limits to provide for the orderly development of this high impact emerging fishery. My area of jurisdiction encompasses all federal and state waters from the US Russia Convention Line in the Bering Sea to Southeast Alaska, approximately 1700 linear miles. I design detailed sampling techniques and methodology, with biometrician review, enabling collection of biological and fishery specific data to meet project goals and objectives. I wrote the statewide scallop observer manual and I am responsible for updating it on an as-needed basis to reflect new goals and objectives. Other statewide responsibilities include shell-aging of observer collected weathervane shells; assimilated, edit, and load all observer collected data into the database; produce regional information reports, management reports, and Alaska Board of Fisheries reports among others; closely assist the North Pacific Observer Training Center (OTC) staff at the University of Alaska with the scallop observer training program; brief and debrief observers; coordinate and work closely with 7 ADF&G offices in 3 Regions providing manuals, data forms, instruction, and supplies; and interface with the industry.

The following is a summary of other positions I have held with the Alaska Department of Fish and Game.

In 1975 and early 1976 I was a temporary Fish and Game Technician employed by the Alaska Department of Fish and Game (ADF&G) in Sitka to conduct sport fish creel census surveys. From 1976 through 1978 I was employed by ADF&G, commercial fish division in Kodiak where I was crew leader at remote field camps responsible for installation of fish weirs, enumeration of salmon through the weirs and collecting age, weight, and length data. I was employed from 1979-1988 as a permanent seasonal Fisheries Biologist with sport fish division in Kodiak. During this time period I assisted the area biologist manage a sport fishery occurring over a large geographical area including the Kodiak archipelago, Aleutian Islands, and portions of the Alaska Peninsula. Assisted with the management of sport fish programs including program planning and implementation. Other duties included writing annual management reports, conducting a study on the effects of logging on trout and salmon populations on Afognak Island, creel census, multiple mark and recapture population estimates, water chemistry, stream habitat evaluation, scale and otolith reading, Dolly Varden research, coded wire tagging, lake stocking, escapement surveys, analysis of fish age-growth data, egg takes, wier installation and maintenance and lake volumetric mapping. Employed from 1984-1993 as a seasonal Fisheries Biologist for commercial fish division in Kodiak. The focus of this position was to sample Tanner crab onboard floating processors, tenders, and dockside. I conducted tank inspections, issued registrations, and interviewed commercial fishermen for catch, effort, and fishing location information. Other duties included sampling the commercial catch Tanner crab catch for average weight, size, shell age

characteristics and bitter crab disease as well as updating tables and figures for the annual management report. During this same time period I worked on several reports including editing and compiling all Westward Region commercial shellfish catch data since Statehood, and a history of king crab tagging programs in the Kodiak Area between 1959 and 1983. From 1989- 1993 I was employed by ADF&G habitat division, Exxon Valdez oil spill. From 1989-1991 I conducted surveys designed to document and assess the extent of oiling within and near cataloged anadromous fish streams in Western Alaska. I represented the department during the cleanup phase working closely with Exxon corp., USCG, USF&WS, NPS, and VECO to achieve the best possible results with removing the crude oil from streams and lagoons. Active participation in numerous interagency committees was an integral component of this position. In 1992 and 1993 I worked on habitat division restoration project 47, stream habitat assessment, on Afognak Island, Prince William Sound, and the outer Kenai coast. Uncataloged streams and tributaries were walked to determine the presence of anadromous fish using an electroshocker and mapped using GPS.

EDUCATION

College preparatory curriculum in high school with four years of Math, Science, English and Social Studies. Associate of Science degree in fisheries from Sheldon Jackson College in Sitka, Alaska, 1976. Bachelor of Science degree in Wildlife Management from the University of Alaska, Fairbanks, 1979. Attended the Fish and Game Law Enforcement Course at the Department of Public Safety Trooper Training Academy in Sitka Alaska, 1996.

SELECTED PUBLICATIONS

- Barnhart, J. P., I. W. Vining, and L. C. Byrne. 1996. A summary of data collected by scallop observers from the 1994/1995 commercial scallop fishery in Alaska's Westward Region. Alaska Department of Fish and Game, Division of Commercial Fisheries Management and Development, Regional Information Report 4k96-33, Kodiak.
- Barnhart, J. P. 1997. Weathervane Scallop Fishery In The Westward Region, A Report To The Alaska Board Of Fisheries. Alaska Department of Fish and Game, Division of Commercial Fisheries Management and Development, Regional Information Report 4k97-10, Kodiak.
- Barnhart, J. P. 1997. Annual Management Report For The Scallop Fisheries Of The Westward Region, 1996. Pages 241 to 258 in Annual Management Report For The Shellfish Fisheries Of The Westward Region, 1996. Alaska Department of Fish and Game, Division of Commercial Fisheries Management and Development, Regional Information Report 4k97-41, Kodiak.
- Barnhart, J. P. and N. Sagalkin. *In prep.* Statewide summary and data analysis of onboard observer collected data from the 1996 Alaska commercial scallop fishery. Alaska Department of Fish and Game, Division of Commercial Fisheries Management and Development. Kodiak

Pacific Northwest Crab Industry Advisory Committee

December 8, 1997

Garry M. Loncon
Chairman

Rick Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501

**RE: Bylaws and Protocols Regarding Appointments to the
Pacific Northwest Crab Industry Advisory Committee**

It has been brought to my attention that Tom Casey, a fisheries representative has been nominated for a seat on PNCIAC. Nomination of other than a fisherman or processor for a voting seat on PNCIAC is contrary to the bylaws and long established protocol of the committee. Mr. Casey's nomination, or any other lobbyist, prompts this background letter on PNCIAC bylaws and protocols.

After calling and polling PNCIAC members as to their interest in being reappointed to the committee, I sent to NPFMC the list of nine of the committee members that wished to be reappointed. Next to each name is the designation as to whether the individual is a fisherman or a processor and in the case of processors, a company name is identified.

The one exception, is Arni Thomson, who is a non-voting member and Secretary of PNCIAC since its inception in 1989. (NPFMC, PNCIAC bylaws, page 3.)

PNCIAC bylaws call for committee members to represent at least three user groups, harvesters, catcher/processors and processor/marketing sectors. (NPFMC, PNCIAC bylaws, page 3.) Beginning with the appointment of the first committee in 1989, a protocol was established and these basic eligibility requirements were strictly interpreted to mean the ten voting seats would be dedicated to fisherman, catcher/processors and processing personnel. Lobbyists, attorneys and association representatives were specifically excluded. This protocol has been followed since 1989.

Mr. Thomson, the Secretary, is an Executive Director of a fishing association representing fishermen and processors, but following protocol established since the founding of PNCIAC in 1989, has not sought a voting seat on the committee.

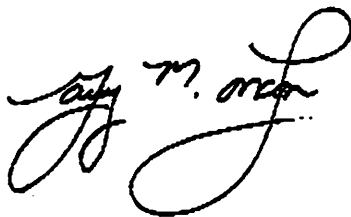
Pacific Northwest Crab Industry Advisory Committee

December 8, 1997

PNCIAC was originally established within the BSAI King and Tanner Crab FMP to provide non residents from the states of Washington and Oregon with an advisory body recognized by both the Alaska Board of Fisheries and NPFMC. Since its inception, one voting seat has been dedicated for Oregon representation with the balance of the seats to be occupied by Washington residents. A recent analysis of vessels that have registered for BSAI crab fisheries (CFEC records) in 1995, 1996, and 1997 indicates that this apportionment is still more than adequate. Seventeen of 342 total vessels are from Oregon (2 are pollock crossover vessels). Thus, Oregon represents 5% of the fleet and one seat on PNCIAC represents 10% of the committee votes.

In my letter of November 21, 1997, I also submitted the name of Lance Farr, a fisherman, for appointment to PNCIAC. Mr. Farr is nominated as a replacement for outgoing committee member Bob Miller. Mr. Farr's resume has since been forwarded to NPFMC.

If you have questions, please contact me at 206-283-6605. Thank you for your consideration.



cc: Clarence Pautzke, NPFMC
PNCIAC Committee Members



UNIVERSITY OF WASHINGTON

SCHOOL OF MARINE AFFAIRS

Richard B. Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Ave., Suite 306
Anchorage, AK 99501-2252

3 December 1997

Dear Chairman Lauber,

I believe that this is the time of the year in which the Council reconsiders memberships of the Scientific and Statistical Committee. As you know, I have been a member of the SSC for a number of years. I now find that I must step down from the SSC in order to attend to University obligations and opportunities that have expanded.

As I leave the SSC I want to convey to you the very high level of respect I have for the Chair of the SSC, Dr. Keith Criddle and for other SSC members, for yourself and other Council members, and for Executive Director Clarence Pautzke and other members of the Council staff. In my view, the North Pacific Fishery Management Council provides an excellent illustration of responsible fishery management. In particular, your Council system is marked by first-rate leadership, first-rate multidisciplinary fishery science, and first-rate advice from a multifaceted industry. Equally importantly, the North Pacific Council provides for input from other non-industry interest groups and the public at large. For having these features, the Council fosters the confidence of diverse constituencies.

It has most definitely been an honor to serve the Council. In participating on the SSC, I have benefited both educationally from exposure to the fishery management process, and personally from countless interactions with the fine people who make up the Council family. I wish you and all those affiliated with the Council the very best in the future. I am confident North Pacific fisheries are in capable hands.

Respectfully,

Marc L. Miller

Marc L. Miller
Acting Director and Professor

cc: Dr. Keith R. Criddle
Dr. Clarence G. Pautzke