

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Agenda Item 14

July 1978

to: J. BRANSON, N.P. Council, Anchorage

3 pages

from: Clem Bribitzer, F31

JUL 1978

F31/03

TO: Terry L. Leitzell
Assistant Administrator for Fisheries

RETYPE FROM
TELECOPY

July 13, 1978

From: Roland F. Smith /s/ Roland F. Smith
Acting Assistant Director for Fisheries Management

Subject: Status of the Gulf of Alaska Groundfish Fishery Management
Plan (FMP)--(A INFORMATION MEMORANDUM)

BACKGROUND

On June 6, 1978, the comment period for the proposed regulations on Gulf of Alaska Groundfish PMP ended. We are now in the process of preparing the necessary comments for your final decision on implementation of the plan. The following information may be useful in your upcoming trip to Alaska.

This plan, which the North Pacific Council had originally anticipated being implemented January 1, 1978, has been delayed for a variety of reasons including negotiation with the Council for last minute changes early this year and further consideration of certain outstanding issues associated with the plan.

We are now preparing an Action Memorandum to you that discusses in detail the decisions which have been made concerning these issues. The memorandum will conclude that we should implement the plan immediately. The Office of General Counsel has not officially cleared the strategy outlined in this memorandum.

REPRESENTATION

There are three options for implementation of this FMP:

1. Implementation from September 1, 1979, until January 1, 1979. The FMP cannot be implemented earlier because of the 30-day "cooling-off" period required by the APA after publication of final regulations.
2. Implementation on January 1, 1979, for one year.
3. Implementation on ^{Nov}~~September~~ 1, 1978, for a period of one year.

The first option could lead to disruption of foreign fishing because of the necessity of forcing subarea allocations into an existing system of TALFF's. The second option has the advantage of minimal disruption of the foreign fishery. However, it further postpones implementation of management measures sought by the Council.

The third option appears the most reasonable under the circumstances. This option involves establishing a new fishing year from September 1, 1978, to August 31, 1979. New allocations (valid until August 31, 1979) would be given to foreign nations. These foreign vessels with valid permits would then be allowed to fish under the new allocations. Permits would be renewed effective January 1979 for nine months, and annually thereafter.

Informal staff opinion is that a one-year implementation is legally allowable (assuming provision is made for annual review of OY and MSY) and is less disruptive to foreigners and administratively easiest to accomplish.

The FMP, which the Council has ^(?) voted to extend to November 1979, establishes levels of OY and TALFF for 1978. The Council has indicated that the FMP is valid for 1979.

Establishing new TALFF's for September 1, 1978 to August 31, 1979, will involve new allocations (both by country and subarea) that will have to be determined by the Department of State (DOS) (with our assistance) during the 30-day "cooling off" period.

In order to avoid disagreement with DOS about allocations already made for 1978 under the PMP, care must be taken to assure that each national allocation is at least equal to that portion of the 1978 PMP allocation which that nation could reasonably have harvested during the remainder of 1978.

Tentative discussions with F4 and Council staff have produced favorable comments on this proposed option. There are remaining questions, however, including how (or whether) to consider the 1978 foreign harvest (to date) in making new allocations (see attached memo from Harry Rietze), and how to apportion allocations of various species to enable foreign nations to conduct their traditional directed fisheries, and when to close a subarea to directed fishing by domestic and foreign fleets.

FUTURE ACTIONS

The major items that will be undertaken next are:

- Preparation of an Action Memorandum for your formal decision
- Preparing responses to voluminous comments received on the proposed regulations.

--Rewriting regulations in response to public comment.

--Preparing information memorandum to the Administrator and the Secretary, and

--Preparing letter to the Council explaining the actions taken.

We anticipate that the above can be completed so that final regulations can be published by August 1, 1978. There would be then a thirty day cooling off period, and the regulations would become effective on September 1, 1978.

Retyped from Telecopy 7/26/78

To: Jim Branson
North Pacific Fishery
Management Council

MEMORANDUM FOR THE RECORD

FROM: Clem Bribitzer
Fishery Management Specialist

SUBJECT: Meeting to Discuss Gulf of Alaska Groundfish PMP
Implementation

On July 20, 1978, the subject meeting was held at 9:30 in Dr. Roland Smith's office. In attendance were:

- Roland Smith, F3
- Roland Finch F3
- Mary Thompson F31
- Karen Davidson GCF
- Kim White GC FAK
- Jim Branson NPFMC
- John Wedin CAP
- Robert Schoning F
- Clem Bribitzer F

After introductions by Dr. Smith, Mr. Bribitzer reviewed the history of the plan since January, and discussed the status of unsolved issues (see attached outline). The schedule, with rationale for implementation was discussed.

Agreements were reached to do the following:

- (1) Jim Branson will explain to the North Pacific Council the schedule leading to November 1 implementation and will ask the Council to consider an amendment that extends OY's TALFF's and U.S. capacity estimates through 1979.
- (2) If the Council considers and approves such an amendment, NMFS will process and review the amendment so that, if approved, it will be published in the Federal Register August 1. This means NMFS action and transmittal to the Federal Register on July 28.
- (3) The final regulations for the plan, except for the OY's and TALFF's will be published to be effective November 1, as soon as the enforcement agreement is signed.
- (4) GCF will immediately work on the delegation of authority issue, the regulations on mid-season adjustments to OY and the enforcement agreement. All these items are interlocked with the decision to delegate certain authorities to the Regional Director.

Attachment

CC: F3, Smith, F3, Finch, F31 Thompson, F31(3) GCF Davidson, GCF White, Branson, GCF Weden, F Schoning, F Bribitzer

Recopied from telecopy.

NOAA, NMFS
Washington, D.C. 20235
F31/CB

TO: Mary Thompson,
Senior Program Analyst

FROM: George Knobl,
Fisheries Management Officer

FROM: Clem Bribitzer
Fishery Management Specialist

Attached is a "first cut" of a schedule for implementing the Gulf of Alaska Groundfish FMP. This schedule is very tentative and has some flexibility in terms of the Delegation of Authority issue. The critical dates are the actions on the FMP amendment although the volume of work is involved in the Delegation of Authority.

7/24/78

Event Schedule Gulf of Alaska FMP Implementations

1st draft	ACTION MEMO for approval FMP - OY/TALFF extension amendment	7/25 CB
1st draft	Revised final regulations (except OY's and delegation of authority (DOA))	7/24 KD
1st draft	ACTION MEMO to Frank requesting Delegation of Authority to RD	7/25 KD/CB
1st draft	Delegation of Authority	7/26 KD
5th draft	ACTION MEMO approving implementation of Regulations	7/26 CB
2nd draft	ACTION MEMO - Approval of FMP Amendment	7/26 CB
	Council Approval of FMP amendment	7/27 NPFMC
	Transmittal of amendment w/justification and negative declaration to NMFS	7/28 NPFMC/FAK
	Preparation of <u>Federal Register</u> notice	7/28 CB/KD
	Final ACTION MEMO re FMP amendment approval	7/28
	F. approval of FMP amendment	7/31
	Transmittal of FMP amendment to <u>Federal Register</u>	7/31
	<u>Federal Register</u> publication (begin 45 comment period, waiver of 60 day period)	8/2
	Region's comments on Regulations	7/31 FAK

2nd draft	ACTION MEMO TO A re: Delegation of Authority	7/31 KD/CB
2nd draft	Delegation of Authority	8/1 KD
	F3/GCF meeting on Delegation of Authority	8/2
	Final ACTION MEMORANDUM on DOA	8/3 CB/KD
	Final Regulations on DOA	8/3 KD
	Region's comments on DOA	8/4 FAK
	F approval on DOA	8/7
	Fishery Policy Group briefed on DOA	8/9 F3

1st Draft	Preamble to regulations	8/4	CB
2nd Draft	Preamble to regulations	8/9	CB
	Approval of DOA	8/11	
	Final ACTION MEMO re FMP implementation	8/14	CB
	F approval of ACTION MEMO re FMP Implementation	8/15	
	Final Preamble . and regulations	8/17	CB/KD
	Transmittal of regulations to <u>Federal Register</u>	8/18	
	Publication of regulations	9/23	
	Note slippage in DOA process may (and probably will occur)		
	End public comment period on FMP amendment	9/25	
1st draft	Final regulations and Preamble of FMP amendment	9/19	CB/KD
1st draft	ACTION MEMO approving FMP amendment regulations	9/19	CB
	Final ACTION MEMO FMP amendment	9/26	CB
	Final regulations FMP amendment	9/26	KD
	Transmittal to <u>Federal Register</u>	9/26	
	Publication in <u>Federal Register</u>	9/29	
	FMP implemented after 30-day "cooling off" period	11/1	