

North Pacific Fishery Management Council

Harold E. Lokken, Chairman
Jim H. Branson, Executive Director

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Agenda Item #3
August 1978

EXECUTIVE DIRECTOR'S REPORT

Fishery Management Plan Progress

The DEIS/FMP's for both the Ocean Salmon Fishery and Groundfish in the Bering Sea and Aleutians were in Washington on August 7th to begin review by the environmental working group. It was completed on the salmon plan by August 18th, we began printing in Juneau this week and will start mailing Thursday. The Bering Sea Groundfish Plan is a week behind that plan, we hope to begin distributing it next week, approximately August 31.

Hearings and Public Comment Period for Ocean Salmon Plan

We have received several requests from fishermen's organizations to hold hearings in October on the Ocean Salmon Plan rather than as now scheduled for September. The Alaska Trollers Association, and others, feel there will be insufficient time to study the plan prior to the first public hearing in Juneau on September 22nd. Rather than reschedule the hearings in Southeastern Alaska, which would greatly complicate the plan development process and review to have it in place by April 15, 1979, I have extended the comment period from October 10 to October 20 and we have set a public hearing in Seattle for the troll plan on October 7. In addition,

the public hearings on the groundfish plan scheduled for Unalaska and Kodiak on October 12th and 10th respectively, will now also cover the Ocean Salmon Plan. We realize that those locations are not convenient for the Southeastern Alaska troll salmon fishermen but it gives some additional opportunity for testimony.

In addition to extending the comment period, we have printed two volumes of the Ocean Salmon Plan. The first, Volume I, includes the entire plan and the DEIS. The second, Volume II, is a summary of the FMP and the DEIS. We are sending summaries and the complete plan to all of the cold storages so they will be available to fishermen as they deliver and in addition are sending the summaries to everyone on our mailing list and the entire membership of the Alaska Tróllers Association. We are also mailing Volume I to those persons or groups who may need all of the background data.

Finances

The regular monthly summary of Council expenditures was sent to you in the August 11th mailing. Since the 31st of July, we have spent \$110,546.92; \$22,517 in administrative costs and two contract payments, one to Dames & Moore for \$15,965, the other to ADF&G for the Eastern Bering Sea Herring Study, \$71,063.

I would like to have a meeting of the Finance Subcommittee to consider the programmatic budget for 1979. We sent a budget estimate to NMFS several weeks ago but did not identify all of the \$500,000 requested by the Council for 1979 by specific project.

Pribilof Island Tour

A Congressional Subcommittee and Corps of Engineer officials are planning a tour of Saint Paul Island harbor for September 6th and 8th. We have been asked if the Council would like to be represented on the tour.

1979 Pollock DAH - Gulf of Alaska FMP

Mr. Robert Ely has objected to the non-inclusion of the requested 130,000 ton of pollock for the Davenney/KMIDC project for the Gulf of Alaska in 1979. He will undoubtedly present his case at the public hearing today.

Joint Venture Contract Report

Originally scheduled as an agenda item, this report is not yet complete, we will probably not receive it until mid-September. I'll schedule the report for the September meeting.

Incidental Species Committee

A report of the meeting held by this subcommittee in July is included under Tab 3. They cancelled the meeting for August pending completion of a background paper by NMFS, Alaska Region.

Fee Schedule

The proposed 1979 fee schedule has been printed again in the Federal Register. The deadline for comment is August 28th. I sent in the Council's recommendations after the last meeting and have prepared a table (Tab 3) reflecting the Council recommendations, the Department of Commerce 1979 proposal and the actual 1978 price per ton. There is some variation between the Council's recommendations and the DOC proposals. If the Council wishes to resubmit its recommendations we should do so at this meeting.

Fishery Management Plan Publications

I plan to try a variation on printing and publication of FMP's. Basically, we would print two volumes, one a fairly complete summary of the plan, the other the annexes and substantiating documents. We should then be able to print only the summary in the Federal Register and for most review purposes. Federal Register printing costs are exorbitant and this will save a great deal of money for printing costs both for the Department of Commerce and for the Council. I have talked to Washington about this and they are in favor of the concept.

Herring FMP Steering Committee

We have not appointed a steering committee for this plan. We should do so at this meeting.



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service
P. O. Box 1668, Juneau, Alaska 99802

AGENDA ITEM 3 AUG 1979

Date : August 10, 1978

Reply to Attn. of:

To : Jim Branson, Executive Director
North Pacific Fisheries Management Council

From : *Harry L. Rietze*
Harry L. Rietze
Director, Alaska Region

Subject: Congressional Sub-committee and Corps of Engineers visit to Pribilof Islands

A tour of St. Paul Island by members of a Congressional sub-committee on harbor appropriations and Corps of Engineers officials is planned for "around" September 6-8, 1978, according to the attached memo from Walt Kirkness.

We know the Council supports a study of harbor possibilities in the Pribilofs and, therefore, might want to be represented on the tour. In any case, we wanted to be sure you were aware of it.

Walt Jones will represent this office on the tour and meeting with Native corporation officials.





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pribilof Islands Program
1700 Westlake Avenue North
Seattle, Washington 98109

In reply refer to:
FNW6/VIS

Date: August 7, 1978

To: For the Record

From: Program Director, Pribilof Islands Program, FNW6

Subj: Visit to St. Paul Regarding Boat Harbor

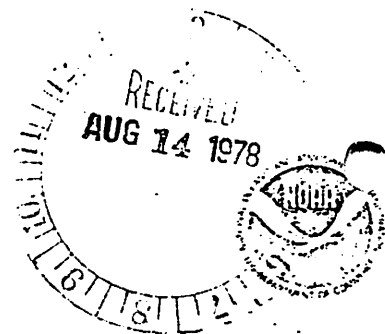
I was recently notified by Pat Pletnikof that he is expecting a party to visit St. Paul on about September 6, 7 and 8 in relation to the proposed boat harbor. Supposedly the party will consist of some high Corps of Engineers officials and a few members of the Congressional Sub-committee which handles harbor appropriations. It appears the package has been put together by the Washington, D. C. law firm representing the Aleutian/Pribilof Island Association.

If such a visit is arranged, it would appear to be beneficial for both FAK and FNW to be present.

WIK

Walter Kirkness

cc: Regional Director, FAK ←
Regional Director, FNW
RIC, St. Paul, FNW621
RIC, St. George, FNW622



PROPOSED RULES

cize the Commission's decision to investigate an abandonment application. Also proposed are provisions requiring all notices of intent to file an abandonment application to be served on the United States Departments of Transportation, Defense and Interior, and State Cooperative Extension Services. Finally, the Commission proposes to change the filing date of the annual amended system diagram map from March 31 to June 30.

DATES: Comments must be received on or before August 31, 1978.

ADDRESS: Comments should be filed with the Section of Finance, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Edward J. Schack, 202-275-7581.

SUPPLEMENTARY INFORMATION:

NOTICE OF INVESTIGATION

Under section 1a(3) of the Interstate Commerce Act, 49 U.S.C. 1a, the Commission must postpone the proposed effective date of an abandonment and investigate if a petition requesting an investigation is received. If no petitions are filed, the Commission may investigate a proposed abandonment on its own initiative.

The Commission has recently reopened the abandonment regulations for public comment on, among other things instances in which it may decide to investigate a proposed abandonment without having received any petitions, for example, when it believes that the line is one of several related lines identified as potential abandonment candidates. See the notice in Ex Parte No. 274 (Sub-No. 2A), published April 14, 1978, at 43 FR 15754.

When the Commission investigates on its own initiative, it does not have the benefit of opposing parties to present evidence responsive to that of the applicant. To develop a record upon which to base its determination, the Commission must seek information from all interested persons.

Similarly, there may be instances in which petitions have been filed, but the Commission needs additional information from persons who are not parties to the proceeding.

It is proposed that the carrier be required to publicize the Commission's determination to investigate (and the issues to be examined) in these situations, in the same manner as it did its notice of intent to file an abandonment application. This would include service on State agencies and significant users, posting in agency stations, and publication for three consecutive weeks in local newspapers, at the applicant's expense.

This procedure will be used only when the Commission determines that the additional publicity is necessary to develop a record which permits full consideration of the issues presented by the carrier's application. The small additional burden imposed upon the applicant is outweighed by the public interest in insuring an opportunity for full public participation in the proceeding. This participation may be necessary to an adequate assessment of the impact on community development required by section 1a(4)(a) of the act.

Section 1121.37(a)(3) would be amended by inserting the following additional sentences:

§ 1121.37 Commission determination and certification under section 1a(3) of the act.

(3) * * * The order may include a notice of the Commission's intention to investigate the proposed abandonment. The notice may be general or may set forth the specific issues upon which public comment is desired. The applicant must serve, post, and publish such notice, if ordered by the Commission, in the same manner as prescribed in § 1121.30(a).

NOTICES OF INTENT

The regulations currently provide in section 1121.30(a), that notices of intent to file an abandonment application must be served upon significant users and the Governor, Public Service Commission and designated State agency of each State in which any part of the line involved is located. It is proposed that this provision be expanded to include service of the notice on agencies representing the Federal Government which may have an interest in the proposed abandonment. This would include the Department of Transportation (Federal Railroad Administration), Defense (Military Traffic Management Command), and Interior (Bureau of Outdoor Recreation). It would also include the State Cooperative Extension Service of each State in which any part of the line to be abandoned is located.

AMENDED SYSTEM DIAGRAM MAPS

Under § 1121.23, amended system diagram maps are required to be filed by each carrier annually on March 31. In determining changes in line categorizations, a carrier may wish to utilize the branch line accounting data collected for the prior year. However, that data is not required to be reported until June 30 of each year. 49 CFR 1201, § 900 (43 FR 1732). Since the carrier may not have summarized the branch line accounting data when revising its system diagram map, it is

proposed that the date for submission of the annual amended system diagram maps be changed to June 30.

Decided: June 29, 1978.

By the Commission:

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc. 78-21256 Filed 7-31-78; 8:45 am]

[3510-22]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

[50 CFR Part 611]

Proposed 1979 Fee Schedule for Foreign
Fishing

Request for Comment on Proposed Rulemaking

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Publication of proposed rulemaking and request for comments.

SUMMARY: This document is notice of a proposed fee schedule for the calendar year 1979, for fishing by foreign vessels in fisheries under the exclusive fishery management authority of the United States. This proposed schedule establishes fees which must be paid by the owner or operator of any foreign fishing vessel wishing to fish within the United States fishery conservation zone as authorized by the Act, before actually engaging in any fishing activity except as otherwise authorized.

DATE: Comments must be received no later than August 29, 1978.

ADDRESS: Comments may be submitted to the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Washington, D.C. 20235. Please mark the words "Fee Schedule" on the outside of the envelope.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Schaefer, Chief, Fisheries Management Operations Division, National Marine Fisheries Service, Washington, D.C. 20235, 202-634-7454.

SUPPLEMENTARY INFORMATION: Section 201(d) of the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 et seq. (the Act) provides that foreign fishermen may be allowed to fish for " * * * that portion of the optimum yield of such fishery which will not be harvested by vessels of the United States * * *." Section 204(b)(10) of the act further provides that reasonable fees shall be paid by the owner or operator of any foreign fishing vessel for which a permit is issued. Fishing vessels are defined by

section 3(21) of the Act to include several types of vessels in addition to those actually engaged in harvesting fish. This includes any vessel " * * * aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing * * * ." Section 204(b)(10) of the Act further provides, in part: "In determining the level of such fees, the Secretary may take into account the cost of carrying out the provisions of this Act with respect to foreign fishing, including, but not limited to, the cost of fishery conservation and management, fisheries research, administration, and enforcement."

This proposed schedule of fees amends the 1978 schedule which was published in the FEDERAL REGISTER on October 7, 1977 (42 FR 54588) and was amended and codified as 50 CFR 611.22(b) on May 4, 1978 (43 FR 19232).

CRITERIA FOR ESTABLISHING FEE SCHEDULE

The following criteria, identical to those used in 1977, were considered in developing the fee schedule for foreign fishing in 1979.

1. Fees will not be used as a management tool to restrict foreign fishing. Foreign fishing effort will be controlled by management plans and associated regulations.

2. The fees will not be so high as to prevent nations from utilizing the allocated surplus solely because of the fee level. The fees must be reasonable.

3. Fees will recover an appropriate part of the management costs related to foreign fishing.

4. The same rate must apply to all foreign nations and the rate will not change within a given calendar year.

5. Fees will be simple to compute and collect. Fees shall be paid as provided in the Act.

6. Every vessel, by law, must pay a fee and obtain a permit, but the fee may vary with size and function of the vessel.

NOTE.—This proposed amendment does not constitute a major Federal action within the meaning of the National Environmental Policy Act of 1969, as amended. It has been determined that this action does not require the preparation of economic impact analysis.

Signed at Washington, D.C., this 25th day of July 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

50 CFR 611.22(b) is hereby proposed to be amended by substituting new values for species of fish based on U.S. commercial landings as published in the "Fisheries of the United States, 1977, Current Fishery Statistics No. 7500, National Marine Fisheries, April 1978," except where noted. For the purpose of comparison, values used in 1978 are set out in parentheses.

Average Ex-vessel Values Per Metric Tons

Species	Values proposed for use in 1979	Values used in 1978
Butterfish	\$626	\$622
Cod, Pacific	359	282
Crab, tanner (snow)	691	441
Flounders, Pacific	407	387
Hake, Pacific	43	32
Hake, red	199	185
Hake, silver (whiting)	205	184
Herring, Atlantic	98	87
Herring, Pacific	100	100
Herring, river (alewives)	100	96
Mackerel, atka	(*)	138
Mackerel, Atlantic	385	259
Mackerel, jack	110	110
Other billfish, Pacific	*638	875
Other finfish, Atlantic	*382	334
Other groundfish, Pacific	*49	48

Species	Values proposed for use in 1979	Values used in 1978
Pollock, Alaska	176	
Pacific ocean perch	302	260
Rockfish	378	298
Sablefish	*1,477	399
Seamount groundfish	(*)	172
Sharks, Atlantic (except dogfish)	*210	140
Sharks, Pacific (except dogfish)	*396	184
Snails (meat)	(*)	600
Squid, Atlantic (illex)	*472	414
Squid, Atlantic (lolligo)	*938	414
Squid, Pacific	*938	55
Striped marlin, Pacific	*1,395	1,579
Swordfish, Pacific	*6,064	4,040

*Price for roeless herring, which will constitute the foreign harvest. Price based on unit value of landings in Alaska, 1977.

*Species not landed in the United States. Prices will be based on unit values of landings in foreign countries.

*Average price from U.S. landings of blue marlin, black marlin, and sailfish. Source: Division of Data Management and Statistics, NMFS, 1977.

*Average price from U.S. Atlantic landings of anglerfish, conger, dogfish, flounders (except yellowtail flounder), sculpins, sea robins, and skates. Source: Division of Data Management and Statistics, NMFS, 1977.

*Used for production of fish meal. Price based on unit value of U.S. landings of anchovy and Pacific hake, 1977.

*Price for longline caught sablefish, from landings in the State of Washington, 1977.

*Separate prices for Atlantic and Pacific sharks are based on raw data used to develop the value for sharks in "Fisheries of the United States, 1977." (Division of Data Management and Statistics, NMFS).

*Separate prices for illex and loligo squids are based on raw data used to develop the value for Atlantic squids in "Fisheries of the United States, 1977." (Division of Data Management and Statistics, NMFS).

*Squids from Gulf of Alaska and Bering Sea/Aleutians, not landed in the United States. Price based on unit value of landings of loligo squid, Atlantic, 1977.

*Separate prices for striped marlin and swordfish are based on raw data used to develop the value for other marine finfishes, Pacific, in "Fisheries of the United States, 1977." (Division of Data Management and Statistics, NMFS).

[FR Doc. 78-21296 Filed 7-31-78; 8:45 am]

AGENDA ITEM #3
AUGUST 1978

PACIFIC FISHERY MANAGEMENT COUNCIL

526 S.W. Mill Street
Portland, Oregon 97201
Phone: Commercial (503) 221-6352
FTS 8-423-6352

EXECUTIVE DIRECTOR
Lorry M. Nakatsu

CHAIRMAN
~~JOHN A. MARTINIS~~
John A. Martinis

August 15, 1978

Mr. Jim H. Branson, Executive Director
North Pacific Fishery Management Council
Post Office Box 3136DT
Anchorage, Alaska 99510

Dear Jim:


Several important decisions on salmon management were made by the Pacific Council at Renton, Washington, August 10-11 which should interest you and your Council. These include:

1. A federal moratorium was deferred to permit the states to implement their own to be in effect for the 1980 fishing season.
2. A schedule was adopted for review of the 1978 season and any salmon management plans for the 1979 season at the December 6-7-8, 1978 meeting.
3. Management objectives for the comprehensive salmon plan were adopted.

Copies of these decisions are attached.

Also of interest: The September Council meeting was cancelled, the October 11-13 meeting will be at the Marriott Motor Hotel, Los Angeles, (group meetings to be announced later), and John Martinis was elected the new Council Chairman to succeed John McKean.

Sincerely,


Lorry M. Nakatsu
Executive Director

Enclosures

pw



MANAGEMENT OBJECTIVES FOR A COMPREHENSIVE
OCEAN SALMON FISHERY MANAGEMENT PLAN

It is the intent of the Council to develop more specific and quantitative objectives of harvest and production during the course of preparation of a comprehensive plan. These will be developed in the later stages of the MSY and OY considerations and will build on the general objectives presented here.

1. Establish ocean harvest rates for commercial and recreational fisheries that are consistent with requirements for optimum spawning escapements and continuance of established recreational, commercial and Indian fisheries. Achievement of this objective requires that:
 - a. Escapements of wild stocks of salmon, which are deemed important by the Council shall be sufficient to maintain the continuing production of such wild stocks.
 - b. Escapement of hatchery stocks be sufficient to maintain production goals.
 - c. In managing mixed-stock salmon fishing, the level of exploitation that can be sustained for regional aggregates of important wild stocks (such as Washington coastal, Oregon coastal, Columbia River, etc.) will be used by the Council to establish maximum fishing rates.
 - d. Harvest allocations of salmon stocks between ocean and inside recreational and commercial fisheries be fair and equitable and that fishing interests equitably share the obligation of fulfilling any Treaty or other legal requirements for harvest opportunities.
2. Minimize fishery and other related mortalities for those fish not landed from the composite salmon fisheries, both ocean and inside, as consistent with OY.
3. Manage and regulate the fisheries on the premise that optimum yield encompasses the quantity and value of food produced, recreational value, and social and economic values of the fisheries.
4. Evaluate and apply effort management systems as appropriate to achieve these management objectives.
5. Achieve, for the long term, coordination with member states on the Council, Canada, the North Pacific Fishery Management Council and Alaska in the development of coastwide salmon management plans.

The objectives of the Pacific Fishery Management Council in developing a fishery management plan for the ocean salmon fisheries can best be met if the following objectives are pursued by the agencies having environmental control and resource management responsibilities over production and harvest in inside waters.

Environment

1. All natural habitat now available for anadromous salmonids should be preserved by encouraging management of conflicting uses to assure no obstruction to access and maintenance of high standards to protect water quality and quantity for migration, spawning, and rearing salmon and steelhead.
2. Allocate adequate water for anadromous fish uses.
3. Continued improvement of conditions at major dams, diversion dams and pump intakes to provide safe passage for anadromous salmonids will be advocated, supported and carried out.

Production

1. Restore and enhance the natural production of salmon.
2. Whenever fish habitat or population losses occur as a result of various development programs or other action, the fishery agencies will actively seek mitigation of and compensation for these losses under the following guidelines:
 - a. Restoration of lost habitat where possible or provision of additional facilities for production of fish, at least equal to that loss.
 - b. Replacement of losses, where possible, will be by the same fish species or by habitat capable of producing the same species that suffered the loss; mitigation or compensation programs will be located in the immediate area of loss, where possible.
 - c. Compensation levels will be based on loss of habitat, production and opportunity to fish. Potential production of the habitat will be considered in measuring needed compensation.
 - d. Measures for replacement of runs lost due to construction of water-control projects should be completed in advance of, or concurrent with, completion of the project.
3. Maximize the continued production of hatchery stocks consistent with the general objectives one through five.
4. In advance of enhancement programs which include increased artificial production of anadromous fish, assess the potential impact on the carrying capacity of the habitat and avoid negative effects on other stocks.
5. Improve the effectiveness of artificial propagation.

PACIFIC FISHERY MANAGEMENT COUNCIL

Action Relative to State Implementation of
Ocean Salmon License Moratoria

The Pacific Fishery Management Council finds that existing effort levels in the ocean fishery are more than adequate to fully harvest the optimum yield for the ocean fishery and that increased effort will necessitate further time and area closures thereby reducing the efficiency of vessels presently participating in the fishery.

Studies of limited access, as a viable management tool for effort limitation, are necessary before such a system is adopted. Until a decision is made regarding limited access, a license moratorium is the only effective means of curtailing a speculative rush on licenses such as has occurred with other limited access systems.

The Pacific Fishery Management Council has declared an intent to establish a moratorium on new participants in the ocean salmon troll and charterboat fleets. The Council recognizes that the coastal states have existing vessel licensing programs and can most efficiently implement their own moratoria which can be responsive to the needs of the states and the industry.

In view of the above, the Pacific Fishery Management Council will defer consideration of a federal moratorium as an amendment to the Salmon Fishery Management Plan in order to permit the coastal states to institute license moratoria by state law with the goal that such systems be in effect for the 1980 fishing season.

The Pacific Fishery Management Council, therefore, encourages that coastal states implement moratoria which are compatible with the following general principles:

1. That there be a lid placed on not only the number of licenses issued but that some steps be taken also to control the total amount of effort in each fishery;
2. The base period for determining qualifications for access shall be 1974-77;
3. That the definitions of "active vessel participation," "vessels purchased", "contracted for construction", "under construction" and "good faith anticipation" as adopted and publicized by the Council be adhered to in state plans as closely as possible;
4. That state appeals boards (made up, at least in part, of industry members if this is possible within state regulations) be set up to hear cases of persons who for reasons of hardship do not qualify as active participants in the base years but who claim qualifications for various reasons;

5. That the state systems recognize the regional nature of the fisheries and not discriminate among fishermen of the states within the Region.
6. That states' systems seek ultimately to maintain approximately the number of vessels in the 1977 fishery or less, recognizing that use of this broad base period may result in an initial increase in vessels.

In the event the coastal states are not able to establish such moratoria, the Pacific Fishery Management Council will resume development of a federally implemented coastwide moratorium in the 1980 fishery management plan. It will be necessary to resume this consideration by mid-1979 in order to be included as a management alternative in the draft 1980 plan.

PACIFIC FISHERY MANAGEMENT COUNCIL

SCHEDULE OF REVIEW AND IMPLEMENTATION OF 1979 SALMON PLAN

<u>DATE</u>	<u>ACTION</u>
October 31, 1978	End of 1978 troll season.
November 24, 1978	Status report on 1978 fishery mailed to Council.
December 7-8, 1978	Council reviews status report and schedules public hearings.
December 11, 1978	Status report and plan distributed to public.
December 22, 1978	45-day public comment period begins (wait 20 days before hearings can take place).
January 12-February 6, 1979	Hearings must be scheduled during this period.
February 6, 1979	45-day comment period ends.
March 8-9, 1979	Council conducts annual review on the basis of public hearings and results of the 1978 fishery.

No AMENDMENT NEEDED

AMENDMENT NEEDED

Secretary publishes proposed regulations shortly after March meeting. Plan implemented in May.

Amended plan must be approved by Secretary (60 days). Plan implemented about August 1979 unless emergency regulations implemented.

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5341 Ballard Ave. N.W.
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Robison, McCaskey, Reynolds & Frankel
921 W. Sixth Avenue
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(907) 279-7431

August 14, 1978

AGENDA ITEM #3
AUGUST 1978

Mr. Jim Branson
North Pacific Fishery Management Council
P.O. Box 3136 DT
Anchorage, Alaska 99510

Dear Jim:

This will formalize our recent telephone conversation regarding my concern over the proposed hearing schedule for the Council's High Seas Salmon Plan (Plan). My concern stems from the fact that the Plan will not be available to the public until late August, and the hearings are scheduled for late September. I do not believe that this will provide adequate time for salmon troll fishermen to read and digest the Plan, especially since most of them will be fishing until September 20 when the coho season ends. I also do not believe that this schedule will allow adequate time for our office to review the Plan and this, coupled with the fact that we will not have the benefit of many fishermen's comments on the Plan, will likely diminish the industry's ability to make adequate comments on the Plan.

In addition, it should be noted that several other factors mitigate against holding hearings on the Plan in September. These include:

- 1.) Socio-economic studies on the salmon fishery prepared by Oregon State University will not be completed until September and both the Council and our clients should have the opportunity to review these before a determination of optimum yield is made;
- 2.) Economic studies currently being prepared by the troll industries in the states of Alaska, Washington, Oregon and California will not be available until September and the Council should have the opportunity to review these before a determination of optimum yield is made;
- 3.) The United States and Canada will be conducting extensive negotiations relating to a long sought after salmon interception agreement in September and my clients must closely monitor and participate in these meetings;
- 4.) The judicial challenge of the Pacific Council's 1977 and 1978 Salmon Plans is expected to be heard in September and the courts ruling in that case could influence the future of Alaska's Plan.

*Stafne: admitted to practice, Washington, Iowa, Indiana
Hemphill: admitted to practice, Colorado
Choquette: admitted to practice, Alaska, Iowa

AUG 17 1978

Page two
Mr. Jim Branson
August 14, 1978

Jim, I am sympathetic to the time constraints which appear to necessitate this expedited hearing schedule. But, as I explained to you, I feel that it is important that the Council get a good Plan in place for next year. I believe achievement of a good Plan will require more time for public scrutiny and comment. Accordingly, we respectfully request the Council delay the hearings until mid-October.

Very truly yours,



Scott Stafne

SES/sa

cc: North Pacific Council Members

North Pacific Fishery Management Council

Harold E. Lokken, Chairman
Jim H. Branson, Executive Director

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August 14, 1978

Mr. D. E. Rinehardt, Manager
Halibut Producers Cooperative
P. O. Box 1235
Bellingham, Washington 98225

Dear Mr. Rinehardt:

Thanks for your letter of August 8, 1978. We've had a number of requests to change the dates of the meetings on the Salmon Troll Plan, but the Council is really in a difficult position to do this. If we postpone the meetings and therefore extend the public comment period, it's going to be virtually impossible to have a plan in place by April 15, 1979.

Rather than go through the entire explanation again, I'm enclosing a copy of a letter I just wrote to Jim Duncan of the Alaska Trollers Association, which details the problems we have with changing the meeting dates. I do intend to bring this to the Council's attention at their meeting on August 24 and 25, so they'll have another chance to consider it before the meetings begin.

Sincerely,

Jim H. Branson
Executive Director

Enclosure: ltr 8/9/78 to Jim Duncan fm J.H.Branson

HALIBUT PRODUCERS COOPERATIVE

TELEPHONE 733-0120

(AREA CODE 206)

P.O. BOX 1235
BELLINGHAM, WASHINGTON 98225

August 8, 1978

Mr. Jim H. Branson
Executive Director
North Pacific Fishery Management Council
P.O. Box 3136 DT
Anchorage, Alaska 99510

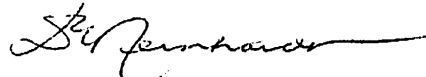
Dear Mr. Branson:

We have started to hear from several of our members in regards to the public hearings on the latest revision of the Salmon Troll Plan to be held in various ports from September 23rd-27th. What they are saying is that it is too early. They may or may not be through fishing, but in any event, would not be able to prepare.

Therefore, we respectfully request that the hearing be delayed one month. Your consideration of this request will be greatly appreciated.

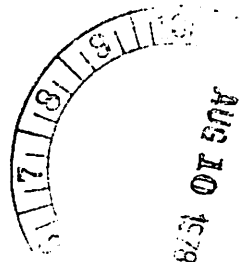
Sincerely,

HALIBUT PRODUCERS COOPERATIVE



D.E. Reinhardt
Manager

DER:gn



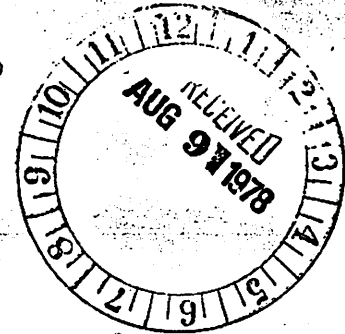
PELICAN COLD STORAGE
653 N.E. NORTHLAKE WAY
SEATTLE, WA 98105

RCA Mailgram



1-046959M220 03/03/73 TLX PELICANSLS SEA AHGA
OIDL Y SEATTLE WA AUGUST 3 1973

632-9000



MR. JAMES H. BRANSON EXECUTIVE DIRECTOR
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
P.O. BOX 3136DT
ANCHORAGE AK 99510

I HAVE READ IN YOUR SUMMARY OF THE JULY 26TH SESSION THAT THE HIGH SEAS SALMON (TROLL) FMP WILL NOT BE AVAILABLE UNTIL LATE AUGUST. IT WILL BE VERY DIFFICULT IF NOT IMPOSSIBLE FOR INDUSTRY TO PREPARE ADEQUATE INFORMATION FOR PRESENTATION AT THE PUBLIC HEARINGS SCHEDULED IN SOUTHEASTERN ALASKA MID SEPTEMBER.

I ALSO UNDERSTAND THAT THE OREGON STATE MARKETING STUDY WILL NOT BE AVAILABLE UNTIL SEPTEMBER 15TH OR LATER. I FEEL THAT IS IMPORTANT THAT WE BE GIVEN ADEQUATE TIME TO REVIEW THE 1973 LANDING PRIOR TO THE MEETING.

IN ADDITION THE BI-LATERAL HEARINGS ARE SCHEDULED FOR THE SAME TIME AS YOUR HEARINGS IN SOUTHEASTERN. I RECOMMEND THAT THE HEARINGS BE RE-SCHEDULED FOR MID OCTOBER IN SOUTHEASTERN ALASKA. THANK YOU FOR YOUR CONSIDERATION.

J.F. FERGUSON

1916 EST

NGMCOMP NGM

*called on phone 8/9 &
gave reasons for schedule JB*

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

FISHERY MANAGEMENT PLAN
STATUS REPORT

SUMMARY & BRIEFING

PLAN

STATUS

High Seas Salmon (Troll)

The troll salmon plan is being printed and we expect to start mailing today (Aug. 24). The plan has been published in two volumes; Volume I is the entire plan and supporting materials and Volume II is a complete summary and DEIS. The summary (Vol. II) was published for general distribution to our mailing list, with selected individuals and agencies being sent Volume I. Volume I is available to all those who received Vol. II if they request it from the office.

King crab

First draft to the Council on Oct. 5. Survey cruises completed in June, work-up on final harvest figures to come. PDT is finishing work with all sections complete except the methodology part.

PDT: Lechner, Powell, Collinsworth, Edfelt, Koeneman, Davis, Kimker, Reeves, Olsen, Hayes.

Council sub-committee: Campbell, Hale, Mace, McKernan, Skoog.

Clams

First draft to Council at the January meeting. Survey work presently in progress.

PDT: Nelson, Hughes, Burns, Lowry, Fay, Kaiser (AP-Rawlinson, Wilde).

Council sub-committee: None

Shrimp

Summary and briefing scheduled for August.
First draft to Council Sept. 5.

PDT: Wolotira, Anderson, McCrary,
Gaffney (AP-Burch, Jensen, Lewis).

Herring

First Draft to Council Nov. 5.
We have two contracts for data to
be included in this FMP, one on biology
and one on subsistence. Both are in
preliminary form with final work-up to
come.

PDT: Barton, Randall, Regnart, Warner,
Westpestad (AP-Ottness, Wilde).

Council sub-committee: None

Tanner crab

Council decision to implement "as is"
or not. Discussion found in Agenda
Item #8 for this meeting.

GoA Groundfish

Plan has been approved. (Will be
implemented Nov. 1, 1978 for period
of one year.)

BSA Groundfish

Approved by Council at July meeting.
Now under consideration by Environmental
Working Group. We plan to publish for
public review and comment about Aug. 28.

Halibut

Outline of proposed plan to be given to
Council at this meeting.

PDT: Myhre, Hoag, Balsiger, Marasco,
Rigby, Gunderson.

Halibut steering committee: Rietze,
Tillion, Lokken, Jensen, Meacham, Skoog,
Specking, B. Alverson.

North Pacific Fishery Management Council

Harold E. Lokken, Chairman
Jim H. Branson, Executive Director

Suite 32, 333 West 4th Avenue
Post Office Mall Building



Mailing Address: P.O. Box 3136DT
Anchorage, Alaska 99510

Telephone: (907) 274-4563
FTS 265-5435

Agenda Item #3

August 21, 1978

JHB

1979 FEE SCHEDULE COMPARISON

Prices Per Metric Ton

	<u>Council</u>	<u>DOC</u> <u>1979 Proposal</u>	<u>Actual</u> <u>1978</u>
Pacific Cod	\$ 418	\$ 359	\$ 282
Tanner Crab	551	691	441
Flounder	374	407	387
Herring	991	100	100
Atka Mackerel	151	Undetermined	138
Pollock	132-265	176	84
POP	374	302	280
Rockfish	374	378	298
Sablefish	1344	1477	399

North Pacific Fishery Management Council

Harold E. Lokken, Chairman
Jim H. Branson, Executive Director

Mailing Address: P.O. Box 3136LT
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Suite 32, 333 West 4th Avenue
Post Office Mall Building



Telephone: (907) 274-4563
FTS 265-5435

August 1, 1978

300-06

Mr. Richard H. Schaefer, Chief
Fisheries Management Operations Division, F31
3300 Whitehaven Street, Page Bldg. 2
Washington, D.C. 20235

Dear Dick,

The North Pacific Council reviewed the proposed 1979 Fee Schedule for Foreign Fishing at its meeting July 27th and 28th. They made two general comments on the setting of fees, reiterating their previous recommendations that fees be set on the latest available prices and, secondly, that they should not be lower than those proposals submitted to you by the Council under my cover letter of June 15th, 1978.

Comparing the proposed fee schedules with those recommendations sent in June, it appears that they are pretty much in line. Some differences occur but in most cases appear to be nominal.

Pacific cod, proposed in the fee schedule for \$359 per metric ton, was proposed at \$418 per metric ton by the Council based on a unit price of 19¢ per pound, which is generally the price currently offered by American processors (not many of our fishermen will fish, even at that price).

The Council proposal for Atka mackerel was \$151 per ton which is an increase of 3/10 of a cent per pound from the 1978 fee.

I note one disparity in the proposed fee schedule between Pacific ocean perch and rockfish which seems unjustified. Rockfish as a group are valued at \$378 per ton while POP are \$302. Generally, it appears that Pacific ocean perch are at least as valuable, if not more so, than the other species of rockfish. Is there a reason for the difference in value on the fee schedule?

Generally, the proposed 1979 fee schedule is reasonable and well thought out. Determining real value for fish over any given period is difficult and, with the exception of some species, such as crab, where prices are generally negotiated by contract at the start of the season, subject to inseason fluctuation that makes averages difficult to derive. You deserve credit for the workmanlike job reflected in the 1979 proposal.

Sincerely,

Jim H. Branson
Executive Director

cize the Commission's decision to investigate an abandonment application. Also proposed are provisions requiring all notices of intent to file an abandonment application to be served on the United States Departments of Transportation, Defense and Interior, and State Cooperative Extension Services. Finally, the Commission proposes to change the filing date of the annual amended system diagram map from March 31 to June 30.

DATES: Comments must be received on or before August 31, 1978.

ADDRESS: Comments should be filed with the Section of Finance, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Edward J. Schack, 202-275-7581.

SUPPLEMENTARY INFORMATION:

NOTICE OF INVESTIGATION

Under section 1a(3) of the Interstate Commerce Act, 49 U.S.C. 1a, the Commission must postpone the proposed effective date of an abandonment and investigate if a petition requesting an investigation is received. If no petitions are filed, the Commission may investigate a proposed abandonment on its own initiative.

The Commission has recently reopened the abandonment regulations for public comment on, among other things instances in which it may decide to investigate a proposed abandonment without having received any petitions, for example, when it believes that the line is one of several related lines identified as potential abandonment candidates. See the notice in Ex Parte No. 274 (Sub-No. 2A), published April 14, 1978, at 43 FR 15754.

When the Commission investigates on its own initiative, it does not have the benefit of opposing parties to present evidence responsive to that of the applicant. To develop a record upon which to base its determination, the Commission must seek information from all interested persons.

Similarly, there may be instances in which petitions have been filed, but the Commission needs additional information from persons who are not parties to the proceeding.

It is proposed that the carrier be required to publicize the Commission's determination to investigate (and the issues to be examined) in these situations, in the same manner as it did its notice of intent to file an abandonment application. This would include service on State agencies and significant users, posting in agency stations, and publication for three consecutive weeks in local newspapers, at the applicant's expense.

This procedure will be used only when the Commission determines that the additional publicity is necessary to develop a record which permits full consideration of the issues presented by the carrier's application. The small additional burden imposed upon the applicant is outweighed by the public interest in insuring an opportunity for full public participation in the proceeding. This participation may be necessary to an adequate assessment of the impact on community development required by section 1a(4)(a) of the act.

Section 1121.37(a)(3) would be amended by inserting the following additional sentences:

§ 1121.37 Commission determination and certification under section 1a(3) of the act.

(3) * * * The order may include a notice of the Commission's intention to investigate the proposed abandonment. The notice may be general or may set forth the specific issues upon which public comment is desired. The applicant must serve, post, and publish such notice, if ordered by the Commission, in the same manner as prescribed in § 1121.30(a).

NOTICES OF INTENT

The regulations currently provide in section 1121.30(a) that notices of intent to file an abandonment application must be served upon significant users and the Governor, Public Service Commission and designated State agency of each State in which any part of the line involved is located. It is proposed that this provision be expanded to include service of the notice on agencies representing the Federal Government which may have an interest in the proposed abandonment. This would include the Department of Transportation (Federal Railroad Administration), Defense (Military Traffic Management Command), and Interior (Bureau of Outdoor Recreation). It would also include the State Cooperative Extension Service of each State in which any part of the line to be abandoned is located.

AMENDED SYSTEM DIAGRAM MAPS

Under § 1121.23, amended system diagram maps are required to be filed by each carrier annually on March 31. In determining changes in line categorizations, a carrier may wish to utilize the branch line accounting data collected for the prior year. However, that data is not required to be reported until June 30 of each year, 49 CFR 1201, § 900 (43 FR 1732). Since the carrier may not have summarized the branch line accounting data when revising its system diagram map, it is

proposed that the date for submission of the annual amended system diagram maps be changed to June 30.

Decided: June 29, 1978.

By the Commission:

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-21256 Filed 7-31-78; 8:45 am]

[3510-22]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

[50 CFR Part 611]

Proposed 1979 Fee Schedule for Foreign
Fishing

Request for Comment on Proposed Rulemaking

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Publication of proposed rulemaking and request for comments.

SUMMARY: This document is notice of a proposed fee schedule for the calendar year 1979, for fishing by foreign vessels in fisheries under the exclusive fishery management authority of the United States. This proposed schedule establishes fees which must be paid by the owner or operator of any foreign fishing vessel wishing to fish within the United States fishery conservation zone as authorized by the Act, before actually engaging in any fishing activity except as otherwise authorized.

DATE: Comments must be received no later than August 29, 1978.

ADDRESS: Comments may be submitted to the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Washington, D.C. 20235. Please mark the words "Fee Schedule" on the outside of the envelope.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Schaefer, Chief, Fisheries Management Operations Division, National Marine Fisheries Service, Washington, D.C. 20235, 202-634-7454.

SUPPLEMENTARY INFORMATION: Section 201(d) of the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 et seq. (the Act) provides that foreign fishermen may be allowed to fish for " * * * that portion of the optimum yield of such fishery which will not be harvested by vessels of the United States * * *." Section 204(b)(10) of the act further provides that reasonable fees shall be paid by the owner or operator of any foreign fishing vessel for which a permit is issued. Fishing vessels are defined by

section 3(21) of the Act to include several types of vessels in addition to those actually engaged in harvesting fish. This includes any vessel * * * aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing * * *." Section 204(b)(10) of the Act further provides, in part: "In determining the level of such fees, the Secretary may take into account the cost of carrying out the provisions of this Act with respect to foreign fishing, including, but not limited to, the cost of fishery conservation and management, fisheries research, administration, and enforcement."

This proposed schedule of fees amends the 1978 schedule which was published in the FEDERAL REGISTER on October 7, 1977 (42 FR 54588) and was amended and codified as 50 CFR 611.22(b) on May 4, 1978 (43 FR 19232).

CRITERIA FOR ESTABLISHING FEE SCHEDULE

The following criteria, identical to those used in 1977, were considered in developing the fee schedule for foreign fishing in 1979.

1. Fees will not be used as a management tool to restrict foreign fishing. Foreign fishing effort will be controlled by management plans and associated regulations.
2. The fees will not be so high as to prevent nations from utilizing the allocated surplus solely because of the fee level. The fees must be reasonable.
3. Fees will recover an appropriate part of the management costs related to foreign fishing.
4. The same rate must apply to all foreign nations and the rate will not change within a given calendar year.

5. Fees will be simple to compute and collect. Fees shall be paid as provided in the Act.

6. Every vessel, by law, must pay a fee and obtain a permit, but the fee may vary with size and function of the vessel.

NOTE.—This proposed amendment does not constitute a major Federal action within the meaning of the National Environmental Policy Act of 1969, as amended. It has been determined that this action does not require the preparation of economic impact analysis.

Signed at Washington, D.C., this 25th day of July 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

50 CFR 611.22(b) is hereby proposed to be amended by substituting new values for species of fish based on U.S. commercial landings as published in the "Fisheries of the United States, 1977, Current Fishery Statistics No. 7500, National Marine Fisheries, April 1978," except where noted. For the purpose of comparison, values used in 1978 are set out in parentheses.

Average Ex-vessel Values Per Metric Tons.

Species	Values proposed for use in 1979	Values used in 1978
Butterfish	\$626	\$822
Cod, Pacific	359	282
Crab, tanner (snow)	691	441
Flounders, Pacific	407	387
Hake, Pacific	43	32
Hake, red	189	185
Hake, silver (whiting)	205	184
Herring, Atlantic	98	87
Herring, Pacific	100	100
Herring, river (alewives)	100	96
Mackerel, atka	(?)	138
Mackerel, Atlantic	385	259
Mackerel, jack	110	110
Other billfish, Pacific	\$638	875
Other finfish, Atlantic	\$382	334
Other groundfish, Pacific	49	48

Species	Values proposed for use in 1979	Values used in 1978
Pollock, Alaska	176	84
Pacific ocean perch	302	280
Rockfish	378	298
Sablefish	\$1,477	399
Seamount groundfish	(?)	172
Sharks, Atlantic (except dogfish)	210	140
Sharks, Pacific (except dogfish)	396	134
Snails (meat)	(?)	600
Squid, Atlantic (Illex)	472	414
Squid, Atlantic (loligo)	\$938	414
Squid, Pacific	938	55
Striped marlin, Pacific	\$1,395	1,579
Swordfish, Pacific	\$6,064	4,040

*Price for roeless herring, which will constitute the foreign harvest. Price based on unit value of landings in Alaska, 1977.

*Species not landed in the United States. Prices will be based on unit values of landings in foreign countries.

*Average price from U.S. landings of blue marlin, black marlin, and sailfish. Source: Division of Data Management and Statistics, NMFS, 1977.

*Average price from U.S. Atlantic landings of anglerfish, conger, dogfish, flounders (except yellowtail flounder), sculpins, sea robins, and skates. Source: Division of Data Management and Statistics, NMFS, 1977.

*Used for production of fish meal. Price based on unit value of U.S. landings of anchovy and Pacific hake, 1977.

*Price for longline caught sablefish, from landings in the State of Washington, 1977.

*Separate prices for Atlantic and Pacific sharks are based on raw data used to develop the value for sharks in "Fisheries of the United States, 1977." (Division of Data Management and Statistics, NMFS).

*Separate prices for Illex and loligo squids are based on raw data used to develop the value for Atlantic squids in "Fisheries of the United States, 1977." (Division of Data Management and Statistics, NMFS).

*Squids from Gulf of Alaska and Bering Sea/Aleutians, not landed in the United States. Price based on unit value of landings of loligo squid, Atlantic, 1977.

*Separate prices for striped marlin and swordfish are based on raw data used to develop the value for other marine finfishes, Pacific, in "Fisheries of the United States, 1977." (Division of Data Management and Statistics, NMFS).

[FR Doc. 78-21296 Filed 7-31-78; 8:45 am]