

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke
Executive Director



DATE: September 16, 1992

SUBJECT: Salmon Management

ACTION REQUIRED

Review necessity for having a Salmon Fishery Management Plan.

BACKGROUND

NMFS and NOAA are reviewing the necessity of existing fishery management plans (FMPs) and regulations in response to the President's request to federal agencies to reduce the regulatory burden. NMFS has suggested that the salmon plan may be a potential candidate for withdrawal, though there are some concerns as explained in item D-1(a).

The High Seas Salmon FMP was implemented in 1979 and has been amended four times, most recently in 1990. The Council has twice considered whether to withdraw this FMP and decided both times to retain it. The plan establishes the Council's authority over the salmon fisheries in the EEZ, and divides the EEZ into West and East areas with the boundary at Cape Suckling. It allows recreational salmon fishing in both areas, prohibits commercial salmon fishing in the West Area, and allows commercial troll fishing in the East Area. It defers salmon fishing regulations to the State of Alaska and provides that salmon fisheries in both State waters and the EEZ be managed as one unit. With Amendment 4 in September 1990, the Council incorporated a definition of overfishing. Since then the Council has not considered any issues pertaining to salmon management.

At this time, the Salmon FMP is associated with other government agreements that provide for both domestic and international management of salmon. Examples include the International Convention on the Fisheries of the North Pacific Ocean (which will be replaced next February), the Pacific Salmon Treaty and the North Pacific Fishing Act. Because of this, NMFS-AKR has recommended that the Council task the Salmon Plan Team, in consultation with the NOAA-GC, to review this issue and report to the Council at its April meeting.



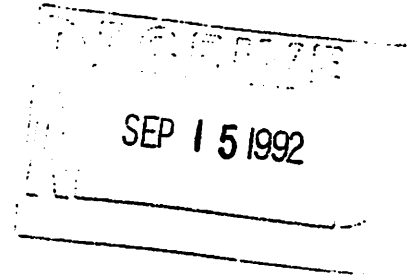
UNITED STATES DEPARTMENT
National Oceanic and Atmospt.

National Marine Fisheries Service
P.O. Box 21668

Juneau, Alaska 99802-1668

AGENDA D-1(a)
SEPTEMBER 1992

September 8, 1992



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

Dear Clarence,

I received your letter suggesting that the Council consider deleting foreign groundfish regulations under 50 CFR parts 611.92 and 611.93. Your suggestion supports efforts the National Marine Fisheries Service (NMFS) has undertaken to review the necessity of certain fishery management plans and regulations in response to the President's January 28, 1992, mandate to reduce the burden of Federal regulations.

We agree that archaic regulations governing foreign fishing for Alaska groundfish in U.S. waters should be deleted. The Council would need to submit amendments to the groundfish fishery management plans to accomplish this task. The analyses and accompanying paperwork, however, would not be time consuming for this administrative action. Given Council endorsement for this action, I believe Regional staff could prepare the necessary documents for Council review and approval at the Council's January 1993, meeting. Although a foreign fishery for snails in U.S. waters is not anticipated, we believe regulations that govern this fishery should remain at 50 CFR part 611.94 until the Council receives a clearer signal from the U.S. fishing industry of its interest in this resource.

The Council has twice considered whether to withdraw the Fishery Management Plan for the High Seas Salmon Fishery off Alaska (Salmon FMP), and twice the Council voted to retain it. At this time, the Salmon FMP presents us with some international and domestic issues that NMFS and the Council need to review before deciding if we should withdraw the Salmon FMP and rescind its regulations.

Next February, the International Convention on the Fisheries of the North Pacific Ocean will be replaced by the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean. This change will have unknown effects on The North Pacific Fishing Act and its implementing regulations at 50 CFR part 210, particularly the regulation banning net fishing for salmon by Americans seaward of the 3-mile limit of State fishery jurisdiction. We've brought this issue to the attention of NOAA General Counsel, and the legal staff is investigating.



Another issue is the Pacific Salmon Treaty. A lawsuit against the Secretary of Commerce (Confederated Tribes vs. Baldrige) was suspended when the Pacific Salmon Treaty was signed, because the treaty imposed a harvest limit on the Southeast Alaska chinook salmon fishery. Should the Treaty be terminated for any reason, the Salmon FMP could be needed to control the salmon fishery.

We recommend that the Council task the Salmon Plan Team, in consultation with the NOAA Office of General Council, to review these and other issues and report to the Council at its April meeting.

Sincerely,



Steven Pennoyer
Director, Alaska Region



cc: F/CM, GCAK