

EXECUTIVE DIRECTOR'S REPORT

You have received four mailings since the last Council meeting that have included information on virtually all activity since March. Staff time has been devoted to the halibut moratorium, amendments for the FMPs for Tanner crab and groundfish and, of course, the perennial work on the Herring FMP.

Almost all of the staff has gone somewhere. I was in Juneau twice, on April 21 and May 10; the first time for a Tanner crab team meeting, the second time for Saltonstall-Kennedy project reviews. Jim Glock was in Vancouver, B.C., for a week at a fisheries computer course, a very useful one dealing primarily with salmon. Doug Larson and Jeff Povolny attended a pollock workshop May 1-4 in Seattle and Jeff went back for the groundfish bilaterals with Japan on May 9 and 11. Judy made a trip to Homer to make sure that meeting arrangements for July were in hand and to survey the meeting space at Land's End for suitability. Steve Davis was in Kodiak April 25 -28 on a computer course with ADF&G, in Juneau for the Tanner crab team meeting on April 21, and in Dutch Harbor May 1-3 to testify on a fisheries case in which he became involved while an observer on a crab boat last season. Ron Miller was in Juneau April 12-22 working with Pat Travers and his staff on the halibut moratorium.

We sent you the herring plan, revised as directed, on May 11 and followed it with the Regulatory Impact Review for the plan on May 13. We will hear more on both documents from the SSC at this meeting.

Joe Greenley called last Thursday to tell me that the Pacific Council had okayed an Alaska troller on their advisory subpanel for salmon. Although it's not contingent on it, they again asked that we try to find a place for a southern troller on our Advisory Panel. Joe said they will follow up with letter confirmation.

Attachment B-1(c) is a response from Ambassador Kronmiller to our letter to him, a copy of which was in the April 20 mailing, explaining their use of the "fish and chips" policy and asking that the Council consider funding State Department travel to Council meetings on a case-by-case basis. The recent amendments to the Magnuson Act allow the Council to do so if they wish.

We've managed to reach a compromise on a proposed Chairmen's Meeting this year, originally scheduled for the first week in August in Florida as I told you in my April 20 mailing. It's been postponed and the Gulf Council is now postulating an October 10-12 meeting in Biloxi, Mississippi. I have told them I think that is a good move, both in terms of delaying the meeting for a couple of months, and shifting it to a fishing town. There will be new chairmen for many of the Councils, including this one, and this will give them a chance to get their feet on the ground before they meet with their peers.

You will remember that in the April 20 mailing I mentioned that we had been asked to aid the Mid-Atlantic Council in testimony before the House Subcommittee on Fisheries Wildlife and Conservation regarding OMB review of plans and amendments. I had thought we would not contribute to that, but I was asked directly by Congressmen Forsythe and Breaux to contribute something for the record. That's not a request that I would care to quibble with, so therefore I did submit some material. A copy of it is agenda attachment B-1(d).

The United Fishermen of Alaska are proposing a fisheries information service, or compendium, and asking for Council financial support. This could be a very useful service and I'd like to recommend as much help as we can give them. I can go over the details of financing with the Finance Committee Thursday morning and include that in their report to you prior to adjournment. Material on the proposal is in your book under agenda item C-4.

As I mentioned earlier, Judy has checked out the meeting facilities in Homer for July. Land's End has been extensively remodelled and there is meeting space in the inn itself. We propose to hold the Council meeting there. She has booked rooms at Land's End and at the Bidarka, but they will be released on July 1 if we don't have firm reservations. All reservations should be made through the staff and as early as possible. Details are in agenda item B-1(a).

Clarence has finished summarizing all of the fishery management plans and amendments and those summaries are included in a ring binder that has been given to you at this meeting. I think you'll find them very useful. They contain the meat of all of the FMPs and will make it a lot easier to find specific material in each plan.

Attachment B-1(b) is a status report on all active amendments and plan processes.

M E M O R A N D U M

TO: Council, SSC, AP and Support Staff Members

FROM: Jim H. Branson
Executive Director

DATE: May 16, 1983

SUBJECT: Arrangements for July meeting in Homer

The next meeting of the Council will be held in Homer the week of July 25 through the 28th.

We have blocked all rooms available at the Land's End and the Best Western Bidarka Inn (same two as in the past). Both have agreed all reservations will have to be made through this office - through Becky, Helen or Judy. Reservations must be made before July 1 - after that date all unreserved rooms will be released.

The Land's End has been completely remodeled and is quite nice. They have added a meeting room so we plan to hold the SSC and the Council meeting there.

The AP will meet in the Elks Hall - walking distance from the Best Western.

Land's Inn prices have been averaged and will be \$76.79 per room regardless which room you are assigned. The Best Western is \$52.20 single, \$58.50 double and \$6.50 each for each additional person. All rooms have two queen size beds.

I understand the Federal per diem is \$83, State is \$80 and Council subsistence is not to exceed \$116 per day.

There are now three airlines servicing Homer: Alaska Aeronautical Industries Inc., Airpac, Inc., and Valdez Airlines - all are about \$100 round trip. Some staff members will be driving and if you would like a ride please contact us.

If you know your plans at this time, please see Judy at this meeting. Again, any room not reserved by July 1 will be released as it is the peak of the tourist season in Homer and there is already a waiting list for these dates.

Status of Fishery Management Plans

1. Salmon FMP

No action is required by the Council at this meeting, though there will be a brief review of the status of the fishery and the proposed U.S./Canada treaty. No amendment to the plan was needed this year because the total catch will be managed for 255,500 chinook, still within the OY range established in 1981. The treble hook ban will be rescinded through a regulatory adjustment.

2. Herring FMP

The Council will consider final approval of the FMP at this meeting. In July, the Council will review the proposed regulations that will implement the plan, and then the entire package will be submitted for Secretarial review. The FMP has been substantially edited and updated with 1982 harvest, biomass and economic data. The Council will also review NMFS concerns with AIC.

3. King Crab FMP

The Council will review king crab regulations adopted by the Alaska Board of Fisheries.

The plan was submitted to Secretarial Review on June 1, 1982. The review period has been extended pending receipt of minor editorial and technical changes, the EIS, and revised set of implementing regulations. These documents are nearing completion and the Secretary should act on the FMP in the near future.

4. Tanner Crab FMP

The Council will review Tanner crab regulations adopted by the Alaska Board of Fisheries.

The Council will initially review Amendment 9 which will update ABC/OYs with numerical ranges, framework fishing seasons, revise the in-season adjustment section, and add a new section on pre-season adjustments. Also up for initial review will be Amendment 10 which will respond to recent regulatory actions by the Board of Fisheries.

Amendment 8, the housekeeping amendment, began Secretarial review on May 16, 1983.

Amendment 7, which established new C. bairdi OYs and set C. opilio OY equal to DAH (i.e. TALFF = 0), was published as a Final Rule in the Federal Register on April 8, 1983.

5. Gulf of Alaska Groundfish FMP

The Council will consider a request to revise the OY for pollock in the Western and Central Gulf of Alaska.

Amendment 12, which would ban pots in the Southeast sablefish fishery, is being prepared for submission to NMFS Regional Office for review.

Amendment 11, which adjusts sablefish and pollock OY and introduces a framework DAH was sent on May 13, 1983 to begin Secretarial review in Washington, DC.

6. Bering Sea/Aleutian Islands Groundfish FMP

The Council will consider final approval of Amendment 8 for Secretarial review. This amendment establishes the salmon PSC limits for 1984 and 1985. The Council will also consider withdrawing Amendment 5 from Secretarial review. Amendment 5 set the salmon PSC for 1983 and is redundant to Amendment 3 which has the same catch limits.

Amendment 7 modifying restrictions on foreign longliners in the Winter Halibut Savings Area was filed with the Federal Register on May 11. The Council should be notified of approval/disapproval by July 14, 1983.

Amendment 6 establishing a U.S. Fishery Development Zone north of Unimak Pass was sent to Regional Office review on April 20, 1983.

Amendment 5 decreasing the prohibited species catch of chinook salmon to 45,500 salmon for 1982 began Secretarial review on June 1, 1982. The amendment was approved by NMFS, DC, on December 30, 1982. It should be withdrawn because it is redundant to Amendment 3.

Amendment 4 revising fishery apportionments for various species or groups and specifying two additional areas in the Aleutians where foreign fishing may take place seaward of territorial waters, became effective on May 9, 1983. The portion of the amendment granting the Regional Director field order authority to adjust time-area closures for conservation and management reasons has been disapproved.

Amendment 3 establishing prohibited species catch limitations for crabs, salmon, and halibut was approved on May 12, 1983, and final regulations should be published on May 27.

Amendment 1 on managing groundfish as a complex was sent to Secretarial review on December 2, 1982. It has been given low priority by NMFS, Washington, DC, and no action has been taken.

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

Lincoln Center, Suite 881 • 5401 W. Kennedy Blvd.
Tampa, Florida 33609 • Phone: 813/228-2815

MAY 23 1983

May 17, 1983

MEMORANDUM

TO: Executive Directors
Fishery Management Councils

FROM: Wayne E. Swingle *Swingle*

SUBJECT: Dates for Council Chairmen's Meeting

ACTION	ROUTE TO	INITIAL
	Exec. Dir.	
	Deputy Dir.	
	Admin. Off.	
	Exec. Sec.	
	Staff Asst. 1	
	Staff Asst. 2	
	Staff Asst. 3	
	Records	
	Sec./Dir.	
	Sec./Print	

We have started getting comment back on the proposed dates for the Council Chairmen/Executive Director meeting. Apparently October is a bad month due to the fall meetings of the Fishery Commissions, MAFAC, FAO, etc. We are, therefore, suggesting that the meeting be scheduled November 2-4, 1983, with the executive director's session on the 2nd. Please advise us if these dates are suitable.

I have attached a list of agenda ideas suggested by the various Councils upon which we can start formulating an agenda. Personally, I would prefer the executive director's session to be a workshop to discuss common problems and successes in FMP development, etc., rather than reiterating the agenda topics to be covered by the Chairmen.

WES:cmr

Attachment

cc: Bill Gordon
John Green
George Brumfield
Staff, w/attachment

TENTATIVE AGENDA FOR COUNCIL CHAIRMEN

- I. Budget
 - a. NMFS and Council FY '84 Funding Levels and Future Outlook - Gordon
 - b. Involvement of the Councils in the Budget Process - SAC/Gordon
 - c. Consideration of Alternatives for Administration of Council Funding - NEC
 - d. Separate Agency Status for NMFS - GMC
 - e. How Should We Jointly Approach a Reduction in Council Funding - MAC

- II. Council Operation and Plan Approval Under Amended MFCMA
 - a. NMFS Guidelines and Rules - Gordon/McMannus
 - b. Regionalization of the Plan Approval Process - Gordon
 - c. National Standard Guidelines and Affect on Plan Approval - NMFS
 - d. Roles of NMFS and OMB in Modifying and Approving Council Regulation Implementing FMPs - MAC/NMFS

- III. The EEZ Bills (or Act) - Congressional Staff

- IV. Confidentiality of Statistics
 - a. Denial of Access to Foreign Fishing Statistics - MAC
 - b. Suggested Confidentiality Procedures for Councils - NMFS

- V. Review of Litigation Against FMPs - McMannus

- VI. Need for Council Liaison Staff in Washington - NEC

- VII. Future Meetings of Chairmen - Green

- VIII. Other Business - Green



DEPARTMENT OF STATE

Washington, D.C. 20520

MAY 16 1983

BUREAU OF OCEANS AND INTERNATIONAL
ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

ACTION	ROUTE TO	INITIAL
May 12, 1983 E D Report	Exec. Dir.	J
	Deputy Dir.	
	Admin. Off.	J
	Exec. Sec.	Rea
	Staff Asst. 1	
	Staff Asst. 2	
	Staff Asst. 3	
	Economist	
	Sec./Bkkr.	
	Sec./Typist	

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

Dear Jim:

Thank you for your letter of April 8 on allocations, and your reaffirmation of support for our "fish and chips" policy.

As you know, the Magnuson Act specifies the criteria to be considered in fishery allocations, and except for the "other considerations" clause, they are all "fisheries" criteria. We have only invoked "other considerations" three times since the passage of the Magnuson Act: to deny allocations to the Soviets for their invasion of Afghanistan, to deny Poland fish for their declaration of martial law, and recently to withhold fish from Japan because of the actions regarding whaling. These are highly unusual cases, and I think it fair to say that we have consistently allocated on the basis of fisheries criteria. We intend to continue to do so.

We share your view that our attendance at council meetings is important, and in that regard, I would request the Council's assistance when our limited budget precludes our travel. As you may remember, the American Fisheries Promotion Act (AFPA) amended section 302(d) of the Magnuson Fishery Conservation and Management Act to allow the Councils to fund State Department travel to Council meetings. Since passage of the AFPA six of the Councils have consistently funded our travel to their meetings. I hope the Council will consider funding our travel to your Council meetings on a case by case basis.

Sincerely,

Theodore G. Kronmiller
Deputy Assistant Secretary
for Oceans and Fisheries Affairs

North Pacific Fishery Management Council

Clement V. Tillion, Chairman
Jim H. Branson, Executive Director

605 West 4th Avenue
Anchorage, Alaska 99510



Mailing Address: P.O. Box 3136DT
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April 29, 1983

The Honorable John B. Breaux
Chairman
Subcommittee on Fisheries
and Wildlife Conservation
and the Environment

The Honorable Edwin B. Forsythe
Ranking Minority Member
Subcommittee on Fisheries
and Wildlife Conservation
and the Environment

Dear Congressmen Breaux and Forsythe:

I appreciate the opportunity to submit a statement on behalf of the North Pacific Fishery Management Council concerning its experiences with review of fishery management plans and amendments by OMB and the Departments of Commerce and State. I cannot express strongly enough the Council's appreciation of the Subcommittee's staunch and continued support of the Councils and your directive that "the Councils, not the Secretary, are to manage fisheries within their respective areas." It seems to be a perpetual struggle on the part of Congress and the Councils to follow that directive in its fullest sense. Everybody wants a hand in management and the Administration's ideas, as embodied by the agencies based in Washington, DC, on how those fishery resources should be managed do not always agree with those of the Councils.

In many cases, that difference is not overtly expressed by the reviewing agencies and it is difficult to demonstrate it through correspondence or substantiated statements. This Council, of course, has virtually no direct contact with the Office of Management and Budget (OMB) or levels above the Assistant Administrator for Fisheries in the Department of Commerce, nor are we privy to internal correspondence or records within or between those agencies.

Problems within the Department of Commerce have generally been because of extremely long review periods of FMPs or amendments caused in part by a lack of understanding on the part of the reviewers and, in part, because of the very real lack of manpower in the primary reviewing agency, the National Marine Fisheries Service. Many of those problems have probably been cured by the recent amendments to the MFCMA. The material we have sent in since the MFCMA amendments became effective has stayed on the time track laid down by the Act and I have reason to hope that they will continue to do so.

Since we have no direct contact with OMB, nor any record of the exact times amendments have been in that agency for review, I must rely on hearsay for the following two instances of reviews by that agency. Amendment 5 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands was sent to OMB on January 14, 1983 for review. That amendment reduced the incidental catch of chinook salmon in the foreign trawl fishery to

Congressmen Breaux and Forsythe
April 29, 1983
Page 2

no more than 45,500 fish for 1983. This is part of a phased reduction plan for the incidental catch of salmon, which in 1980 had been over 100,000 fish in the foreign fishery. OMB should have finished the review of that amendment by January 27. Instead, it was still there on April 13.

In a second instance, Amendment 7 to the Tanner Crab Plan went as final rulemaking to OMB for review in January of 1983. It was there for three months. That amendment eliminated the foreign fishery for Tanner crab in the Bering Sea, the last foreign crab fishery in the United States FCZ.

In both cases, we were given to understand that the delays were caused by a perception within OMB that the amendments might adversely affect foreign trade relations with Japan, the major (or only) participant in both fisheries. I have no way of verifying that report.


Fortunately, in neither case did the delays cause material damage to the resource or to the U.S. fishery.

Amendment 5, reducing the incidental salmon catch by the foreign fishery, while still necessary and one that we will continue as part of the phase-out of the incidental catch of all prohibited species, sets a figure considerably higher than the actual salmon catch in 1982. That actual reduction occurred because the Council and affected fishermen's groups worked directly with the Japanese industry to reduce catches voluntarily. While the reduction applies to all nations fishing in the Bering Sea, Japan has 80 percent of the effort in that fishery. Amendment 7, eliminating the foreign fishery for Tanner crab, was actually sent to the Department of Commerce to begin review in December of 1980, so it was in Commerce for over two years before it went to OMB. Fortunately the foreign fishery was eliminated on schedule in 1981 when both Commerce and the State Department agreed not to allocate any of the resource for foreign harvest, based on the proposed Amendment.

I apologize for not being able to document these instances with all first-hand information. There is, however, beyond any doubt a strong tendency by reviewing agencies in Washington to "second-guess" Council actions, particularly when they might affect foreign nations. That tendency has certainly not been as strong within the Department of State as it has apparently been within OMB. Generally speaking, the Department of State has been most cooperative and has worked closely with the Council to implement the mandates of the MFCMA.

Thank you again for your support of the Council system and for the opportunity to make these comments.

Sincerely,



Jim H. Branson
Executive Director

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WEBB FRANKLIN, MISS.

U.S. House of Representatives
Committee on
Merchant Marine and Fisheries
Room 1334, Longworth House Office Building
Washington, D.C. 20515

APR 25 1983

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

ACTION	ROUTE TO	INITIAL
Apr 15, 1983	Exec. Dir.	J
	Deputy Dir.	
	Asst. Dir.	
	Spec. Inv.	
	Staff Asst. 1	
	Staff Asst. 2	
	Staff Asst. 3	
	Economist	
	Sec./Sktr.	
	Sec./Typist	

Dear Mr. Branson:

You are already aware of the problems encountered by the Mid-Atlantic and New England Regional Councils in the implementation of Amendment No. 3 relating to Atlantic squid, mackerel, and butterfish. From the information gathered to date, it seems clear that the Administration has acted in a manner inconsistent with the intent of Congress and the law.

As a staunch supporter of the Councils, the Subcommittee has endeavored to insure that U.S. fisheries management is carried out as required under the Fishery Conservation and Management Act (FCMA). The Subcommittee has emphasized on numerous occasions, including in its September, 1981, Oversight Report on the FCMA, that "The Councils, not the Secretary, are to manage fisheries within their respective areas".

Because of the Subcommittee's concerns relating to the Amendment No. 3 issue, particularly its concerns that the actions of the Administration may have implications for future management plans and amendments, the Subcommittee will be holding a hearing on implementation of the Fishery Conservation and Management Act on May 10, 1983. Enclosed are copies of letters sent to the Departments of State and Commerce, and the Office of Management and Budget explaining the purpose of the hearing and requesting that they testify. The New England and Mid-Atlantic Regional Councils are also being asked to testify.

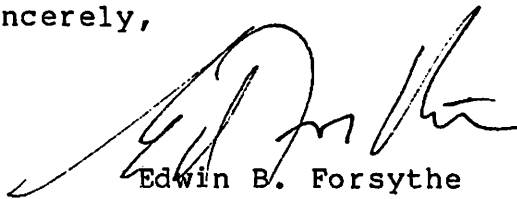
This is to request the submission of a statement for the record by the North Pacific Fishery Management Council concerning its experiences with review of fishery management plans, and amendments thereto, by OMB and the Departments of Commerce and State. We would appreciate your statement containing any information you could provide, including explanations of specific events, which would reflect the North Pacific Fishery Management Council's views on whether the Administration has substituted its judgment for that of the Council or has sought to disapprove a plan or an amendment on any basis other than that the plan or amendment is in clear disregard of the National Standards or a clear violation of the law. The submission of your statement by no later than May 4, 1983, would allow your views to be shared with all the Members of the Subcommittee well in advance of the hearing.

Thank you very much for your assistance.

Sincerely,



John B. Breaux
Chairman
Subcommittee on Fisheries
and Wildlife Conservation
and the Environment



Edwin B. Forsythe
Ranking Minority Member
Subcommittee on Fisheries
and Wildlife Conservation
and the Environment