

Agenda Item 19  
May 1978



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Northwest & Alaska Fisheries Center  
Resource Ecology & Fisheries Management  
2725 Montlake Blvd. East

April 21, 1978

Jim Branson, Executive Director  
North Pacific Fisheries Management Council  
P.O. Box 3136DT  
Anchorage, AK 99510

Dear Jim:

As I mentioned to you when you were last in Seattle, I have been thinking about a "generic" FMP and that the Bering Sea/Aleutian groundfish fishery might be an appropriate one for which to introduce the concept.

I raised the matter with the PDT during our April meeting and the team concurred that, given our understanding of the current NEPA/Secretarial review process, the generic approach would be a desirable one for the Bering Sea/Aleutian Groundfish FMP.

I would like an opportunity to describe the concept to the Council during its May meeting in hopes of gaining its approval to proceed with a generic FMP. Would it be possible to have 20 minutes or so on Thursday, May 25 for that purpose? (I must be back in Seattle on Friday, hence the specific request for a Thursday audience.) By copy of this letter to Lee Alverson I am also requesting time on Wednesday the 24th to make a similar presentation to the SSC.

Kim White is looking into the legal aspects of the concept and I will consult with him further prior to addressing the Council.

I will, during the next week or so, prepare a 2-3 page written description of the idea and forward it to you for inclusion in Council members' briefing books or mailing to them prior to the May meeting. Mike has a preliminary paper dealing with the subject that should give you the essence of what I have in mind. In that paper, however, only items 1-4 are now pertinent; items 5-6 deal with a "no-year, sliding allocation" scheme which the PDT and I do not intend to pursue.

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As always I would be interested in your personal views on the idea.

Most sincerely,

*Bert*

H. A. Larkins  
Leader, Bering Sea/Aleutian Groundfish PDT

cc:

D. L. Alverson

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A Generic FMP Concept

A generic FMP is deisgned to remain in place until <sup>the</sup> appropriate Fishery Management Council determines that another set of management criteria is necessary. The basic elements of this approach are:

- (1) the determination that Optimum Yield (OY) is to be set equal to Allowable Biological Catch (ABC);
- (2) modifications of ABC (hence OY) and DAH are purely technical and, therefore, do not require formal Secretarial or NEPA review;
- (3) ABC (hence OY) should be modified whenever fishery and biological data indicate a change in Equilibrium Yield (EY);
- and (4) the fact that the total Allowable Level of Foreign Fishing (TALFF) is determined by the simple formula

$$TALFF = ABC \frac{1}{\quad} - Reserve - DAH$$

Both ABC and DAH can most properly be estimated by the Council "family" which has the necessary data base and the most appropriate expertise to evaluate it. Because OY often can be based on imperfectly quantified socio-economic elements, changes in it can rightly be construed to be a "major Federal action", subject to Secretarial and NEPA review. If, however, OY is accepted to be equal to ABC (thus having only biological implications), not making changes in ABC when the best scientific information indicates that EY has changed would constitute a "major Federal action" because that would be a departure from those sections of the FCMA which (1) require that OY be based on the best available information, and (2) imply that biologically healthy stocks be maintained. Furthermore, once the technical rationale for

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1/ where ABC = OY

a change in ABC has been accepted at the Council level, with its substantial peer review, the need, in fact the efficacy, of further review at the national level appears unwarranted.

Similarly, evaluation of DAH, which requires an intimate association with the domestic fishing industry, can only be accomplished at the regional (Council) level--what information could be available if the national level that might be contrary to that which is available to the Council?

Modifications of ABC will be instituted by the Council's Bering Sea/Aleutian Groundfish Plan Development Team using the best available and most current fishery and biological data and with the input of foreign scientists. Review of proposed ABC modifications will be by the Council's Scientific and Statistical Committee and Advisory Panel, and, if deemed appropriate by the Council, by the public through testimony at a Council meeting or special hearing. After this review, if the Council determines that a change in any ABC is necessary, it will immediately amend Annex I, "Derivation of ABC", and change Annex III, "Derivation of TALFF", accordingly.

Similarly, should the Council determine that a change in the DAH of any species is appropriate, it will immediately amend Annex II, "Derivation of DAH", and change Annex III, "Derivation of TALFF", accordingly.

As soon as the Council makes either of the above amendments, a notice of such amendment will be published in the Federal Register by the Secretary of Commerce, and the Secretary of State shall modify accordingly the affected foreign allocations.

This process need take no more than four months from the time that the PDT determines that EY has changed significantly from earlier estimates or that domestic production (DAH) is likely to be significantly different than earlier projected:

- . PDT notifies Council's Executive Director of a change in EY or DAH (Time 0).
- . Executive Director includes this item on the agenda of the next Council meeting--elapsed time, four weeks.
- . Council hears PDT arguments, refers to SSC and AP; schedules public testimony for next meeting.
- . Council hears SSC, AP, public views; accepts (or rejects) proposal--elapsed time, eight weeks.
- . Council notifies Secretary of Commerce of ABC or DAH change--elapsed time, nine weeks.
- . New ABC or DAH published in Federal Register, 45-day review process begins.
- . New ABC or DAH, plus modified TALFF implemented one week after review process ends--elapsed time, 16½ weeks.