

I. INTRODUCTION

Since the first meeting of the North Pacific Fishery Management Council in October 1976, 7½ years ago, the Council has met 60 times. There have been 35 individual Council members; only two of the original appointments are still with us--Harold Lokken and John Harville.

Since its inception the Council has developed and implemented four fishery management plans, developed two others to the point where they are ready for review by the Secretary, and developed and shelved four others because they determined there was no need for them at that time.

The four plans that are in place have had 33 amendments developed. Of those 33, the Secretary has disapproved one and partially disapproved, or not implemented, six others. One was not submitted for Secretarial Review because it had become redundant with the earlier passage of a later amendment; and one was disapproved at Council level.

In addition to the fishery management plans the Council has produced 23 special documents, either through contracts or from workgroups within the Council family, and innumerable other position papers, reports on various subjects and analyses of many other items brought to the Council for discussion and action.

Either directly or through delegation the Council has reviewed and made recommendations on something on the order of 5,000 permit applications from foreign ships wishing to participate in fisheries in the FCZ off Alaska. Council representatives have testified before Congressional committees on numerous occasions on NMFS budgets and various pieces of legislation, and written many letters making recommendations on those and other subjects affecting the fisheries off Alaska. Council plan teams and special workgroups have held countless meetings to develop recommendations and prepare material for Council discussion and decision making.

What has all of this activity produced? That's a much more difficult question to answer because it's almost impossible to say what would have happened if the Councils had not been created as the implementing system for the Fisheries Conservation and Management Act of 1976. There's no question that it has involved more of the industry, the agencies and the public concerned with those resources than any other system would likely have done. But what has been the basic effect on the resource and the fisheries?

There's no question but that the entire fishery is under much better control than it was prior to 1977. Foreign fishing is decreasing and has ended on some of the resources they were exploiting before the Act. For the first time, there are comprehensive management plans for most of the exploited fisheries off Alaska that attempt to lay out a program for management and analyze the effects of regulations on the fishery, on the resource, and their economic and social effects. While the plans are by no means as complete as we would like, or as they could be given our increased information base, they are still a landmark step in themselves.

Our data base is the best it has ever been, thanks to the requirement for U.S. observers aboard foreign fishing vessels, and a much more comprehensive effort to use that data to develop and analyze management measures. We are, of course, in grave danger of losing that base as the foreign fishery phases out. It's imperative that we work quickly and effectively toward developing a similar data recovery system from the U.S. fishery.

Perhaps one of the greatest benefits of the Council system, and the most difficult to measure, is the forum it has provided for the state and federal agencies, industry and academia to discuss fisheries problems, pool their resources, and coordinate their efforts toward resolving management problems. As I mentioned earlier, it has produced a great volume of literature, most of it in the gray area but all useful and some of it groundbreaking and innovative. In addition, the Council has co-sponsored and participated in international symposiums on sablefish, herring, Tanner crab, shrimp, international trade and the inter-relationships of marine mammals and fishery resources, all held in Alaska and attended by researchers from all over the world.

I think all of those things can be counted as positive accomplishments.

What the Council Hasn't Done

Because of a very complicated and ponderous administrative process, combined with what sometimes seems to be an almost infinite number of layers of reviewers, some Council actions have taken years to be implemented.

To further aggravate the problem, the Council has frequently failed to make firm or timely decisions. Because there has not been a definite time schedule and procedure for Council actions, subjects come up time after time on the agenda causing those interested to attend numerous Council meetings before a decision is finally rendered.

There has been little long-term direction given by the Council for any of the fisheries. That causes problems with developing and analyzing management measures because they have not given the scientists and administrators any goals to judge proposed actions against. We've been told on numerous occasions that lack of long-term direction causes problems with industry financing and planning. If you don't know from one year to the next what the management system is going to be or which direction the administration is going to take, it's difficult to assess business prospects and to convince lenders that their capital should be risked in this chancey field.

The Council has not managed to control or stabilize any fisheries that have been or are suffering from decreasing stocks or ballooning effort. The single effort to date, the proposed moratorium on the halibut fishery, was disapproved by the Dept. of Commerce.

Perceived Weaknesses of the Councils, and the North Pacific Council Specifically

NOAA Administrator John Byrne, in his talk at Cancun this January, said that because the Councils were not acting as decisively as they should many fisheries are not yielding to their full potential, that management plans in general lack specific long-range objectives, and that with one exception, none of the Councils have addressed limited entry as an effective means of maintaining a stock at high, productive levels. "It is difficult to see," he said, "how a fishery can be maintained profitably when too many vessels are competing for limited resources."

We have received a number of comments from individuals and organizations on this Council's operating methods. Two letters on that subject are under this

agenda item. While those comments are generally critical, they are also constructive and, in my opinion, do not constitute a criticism of the Council system but rather on the way we operate.

We have been told that:

- We tend to overlook procedural steps in the decision-making process.
- There are extended delays in formulating and consummating management plans and amendments to them.
- Plan and amendment reviews are frequently done by the Council in a cursory fashion.
- Council procedures, because of long delays and deferrals, are costly to user groups. Repeated occurrence of agenda items requires attendance at meeting after meeting where little progress is made.
- Requests for Council action usually lack supporting data. Council justification for its action is frequently done after the action with no opportunity for public review or comment on that justification.
- There is a fear among the industry groups from outside Alaska that the Council won't retain responsibility for management actions that they are delegating to the State, such as those for king crab in the Bering Sea.
- The long delays in implementing plans and amendments leave a great deal of uncertainty about future management and the course of the fishery with those who are trying to make investment judgements in that industry.

A number of suggestions have been made to improve the Council process. Most of these problem areas have been recognized by the Council in the past but we have not taken as many positive steps to examine alternatives and improve our performance as we should.

- The Council needs to review guidelines for selecting agenda items.
- They should develop selective, time-structured processes for dealing with recurrent issues.
- They should require proposers of management measures to submit a written statement of the purpose of the measure and analysis of the measure's effects on the users and others.
- The Council should minimize repetitious dealing with management plans or specific items to reduce needed attendance and participation by interested public.

- Meetings should be organized to deal with specific FCMA management objectives or subjects.
- Adherence to procedure and documentation should be a fundamental Council commitment.
- Better documentation and review issues should be done before the Council makes a decision.
- Annual or semi-annual meetings should be scheduled for specific plans.
- Technical reports and review comments should be required by the Council at a specific time.
- The Council needs to develop a master plan for the entire region relating all fisheries to each other and the course of expected development and changes in those fisheries so that the various gear groups, industry members and fishermen around Alaska know what to expect as fisheries develop and resources fluctuate.
- The Council should develop a plan for a foreign phase-out as a guide for the investment community. As part of that, they should develop interim plans and study the effects of the developing U.S. fishery on resources and the economic and social impacts of the changes to be expected on all the related fisheries and industries.

Purpose of the Meeting

At this meeting the Council should start developing and setting firm objectives for all of the plans and set a firm schedule for completing the process. They should look at the Council procedure, propose and commit to specific ways to change that procedure to respond to the concerns that have been expressed by the public and the Council, and decide what needs to be done beyond that which we can do within the Council itself. As an example, do we need a change in legislation? Would Congressional hearings be useful? Is any outside change really needed? Having done that, and assuming that something outside the Council process is believed to be necessary, how do we go about it? By legislation, through hearings, through emphasis on budget procedure, or what?

We have listed the products we think should come from this meeting; that's the yellow sheet at the front of your book. We should try to get as much down on paper and formally approved as we possibly can in the next three days.

Councils, competitors and consumers

The Magnuson Fishery Conservation and Management Act created a whole new, experimental kind of governmental organization. It consists of regional bodies that are interposed between the federal and the state governments, and that contain representatives of both—as well as of affected industries and other groups.

The system recognizes that the characteristics of fish, fishermen, and coastal communities vary widely from one part of the country to another. And, not surprisingly, the regional councils vary widely in the way they do business. They vary in their procedures, in their use of advisory panels and scientific and statistical committees, and in the priorities of the concerns they address.

We've now had seven years experience with the councils, and can look at how well the system is working. The jury is still out, by and large—it is too soon for definitive judgements—but we can see some common threads and some trends. There have been some successes, and there are also some problems that need to be seriously addressed.

On the positive side, 26 management plans of varying importance have been put into place, and in the main are working well. Councils with substantial foreign fishing in their jurisdictions have often been instrumental in amending their management plans to spur opportunities for the growth of the U.S. industry. Foreign fishing in the exclusive economic zone is generally diminishing, and domestic fishing is on the increase. So we have successes.

And we have some problems. Perhaps as many as half of our fish-

By John V. Byrne

eries are not yielding up to their potential level. Some of this is doubtless due to natural causes, but some is certainly due to the very difficult nature of the decisions needed to cut back on fishing levels so that stocks can rebuild.

Associated with this may be the fact that management plans commonly lack specific long range objectives—for example, establishing as a goal the restoration of depleted resources to a specific, stated level in a given time.

Only one fishery management



“Consumer perception of poor quality in our fishery products...will limit market expansion and curtail the economic growth of the industry.”

plan has addressed the question of establishing a limited entry program as an effective means of maintaining a stock at a high, productive level. It is difficult to see how a fishery can be maintained profitably when too many vessels are competing for limited resources.

The challenge now is for the councils to be able to go the next mile. Can they make the difficult decisions to restore depleted fish stocks, and provide for their more efficient use? Can they work effectively toward the goal of ending foreign use of our resources, and bringing about profitable and harmonious domestic fisheries? Those are the big tests that lie ahead.

A related problem is that of joint ventures. Clearly the United States fishing industry is beginning to take advantage of opportunities provided by the Magnuson Act. We have seen our catch in the exclusive economic zone increase by more than 300,000 metric tons from 1981 to 1982, while the foreign catch dropped about four percent.

There is considerable concern—expressed in the regional councils, in the fishing industry, and in the halls of NOAA—that the trade relationships between U.S. fishermen and foreign processing ships will solidify to exclude domestic processors. The Magnuson Act intended to encourage the development of the entire U.S. fishing industry. For that reason we are looking closely at what benefits are offered in foreign proposals to buy U.S.-caught fish at sea.

Proposals that offer additional benefits, such as equivalent purchases of products ashore or with some other involvement of shore-side processors that distribute the benefits more widely in the industry, are receiving more favor-

John V. Byrne is the administrator of the National Oceanic and Atmospheric Administration. This article is adapted from a speech delivered by Dr. Byrne at the University of Virginia's Center for Oceans Law and Policy seminar in Cancun, Mexico.

Argentines seek to lease foreign shrimp trawlers

A new law in Argentina may interest American shrimp trawler owners who would like to lease their vessels. The new law was passed as a result of several years of unusually large shrimp catches and the expansion of Argentine shrimp companies.

The companies need both vessels and processing equipment to work in the recently established directed shrimp fishery in Argentina. The United States Embassy in Buenos Aires believes there are opportunities for American shrimp fishermen who would like to lease their vessels there.

The Argentines are interested in steel boats 90 to 100 feet long with insulated or refrigerated holds. The vessels should also be equipped with communications and fish-finding equipment.

Interested vessel owners should contact: Sr. Milciades Espoz, President, Fundacion, Atlantica, Av. Colon 3130, Piso 13, 7600 Mar del Plata, Argentina. Telephone: 023-36268.

QUALITY

Continued from page 17

able consideration. We are also looking at other ways that we might assist the U.S. processing industry to grow, and ultimately become the primary source of fish caught off the U.S. coasts for foreign markets.

And that brings me squarely to my third topic—the quality of U.S. fisheries products, and the question of mandatory inspection.

Consumer groups have noted inconsistent quality in U.S. fishery products. Consumer perception of poor quality in our fishery products will certainly have an adverse effect on the marketability of domestically caught seafood, and in turn, will limit market expansion and curtail the economic growth of the industry.

I might add that it is not only U.S. consumer groups who have noted this problem. It was only with considerable difficulty, something over a year ago, that the National Marine Fisheries Service, working with the U.S. Embassy in Bonn, was able to modify a proposal by West Germany to require mandatory inspection of all fishery products. The German initiative re-

sulted from the failure of U.S. industry, as well as state and federal food control authorities, to avoid the repeated shipment to Germany of a seafood product heavily contaminated with the pesticide Mirex.

Obviously, such instances not only affect the product in question, but all U.S. fishery products. And the adverse experience of one country becomes known to others, resulting in greater scrutiny of U.S. products.

There is a considerable difference between the inspections of fishery products and meat and poultry in the U.S. Most meat and poultry consumed in the U.S. has been inspected by the Department of Agriculture, assuring the consumer of a safe product.

By contrast, fishery products receive only intermittent inspection through the Food and Drug Administration. In some cases the period between FDA inspections may be several years. This depends on the type of product and the public health risks associated with it—for example, canned food processors receive more frequent inspection than do fresh or frozen food processors.

Processors and buyers of fishery products do have the option of increasing the level of federal inspection of their products by voluntarily contracting with the National Seafood Inspection Program of the Department of Commerce. Inspected and graded products often command premium prices in the marketplace.

The idea of mandatory inspection of fishery products has frequently been discussed, and has just as frequently been discharged as unnecessary or too expensive. But over the past few years the interest in mandatory inspection has been increasing, fueled in part by evidences of inconsistent quality.

Consumer interest groups are in favor of mandatory inspection, and even the industry, which long opposed it, is beginning to show signs of change. A recent survey of approximately 500 members of the fishing industry in the Southeast showed that about 40 percent would be in favor of some type of mandatory inspection.

And the U.S. Congress is also interested. I am told that a legislative package to accomplish it is

now being put together.

At the same time, industry groups have complained that our seafood inspection program is too expensive. Moreover, they've said that aggressive promotion of the program was leading foreign governments to require that it be used by our exporters, rather than letting buyers and sellers establish quality standards by contract or letting them use inspection and certification services of private groups or local government agencies.

We therefore held a series of meetings last fall with industry representatives in an effort to resolve some of the difficulties. We focused on four issues:

—First, the need to expand inspection services through legislation or rulemaking, possibly authorizing the fisheries service to license private or local government groups to inspect and certify fishery products for export;

—Second, reduction of NMFS inspection fees to encourage greater industry participation in the program;

—Third, expansion of the inspector training program to emphasize inspection and certification for export;

—And fourth, establishment of a clear policy against promoting the inspection program to foreign governments and importers.

We have taken several actions as a result of those deliberations.

The NMFS will make rules to broaden its authority to permit licensing of private and local government groups; if legislation is necessary, we will pursue this route further. An NMFS-industry task force is working on this.

The service is also undertaking to reduce its hourly inspection fees, in a three-step program that includes a study group looking into the possibility of separate fees for export lot inspections. We have also put in motion machinery to relieve the inspection program of some overhead costs, and to seek funds for indirect costs beginning in fiscal 1984.



AGENDA I.
APRIL 1984
SUPPLEMENTAL

SEP 20 1983

NATURAL RESOURCES CONSULTANTS

4055 21st Avenue West • Seattle, Washington 98199, U.S.A. • [206] 285-3480

ACTION	ROUTE TO	INITIAL
		3

September 14, 1983

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

Dear Jim:

Please find enclosed letters to the members of the North Pacific Fishery Management Council regarding the need for improved Council procedures and phase-out of the cod-fish TALFF in the Bering Sea. You will note that the letters are signed by a broad sector of the seafood industry. They are the product of the newly-created fishermen/processor dinner forum which has as its principle goal the full development of resources within the U.S. 200-mile zone by the American fishing industry. The ad hoc group has taken the name The AlaskaPacific Seafood Industry Coalition. Although at this time only a few Alaskans have been involved in the discussions, it is the intent of the group to expand the forum to include more Alaskans and to hold dinner discussions in Alaska.

The group is particularly concerned that its intentions and goals not be interpreted as an extension of the "we-them" syndrome, but rather as a means for fishermen and processors throughout the Pacific Northwest and Alaska to join in promoting fishery policies, legislation and activities to enhance the full use of fish and shellfish resources adjacent to the U.S. by the U.S. industry. They have stated categorically they will not become involved in interregional disputes.

In the absence of elected officers, I have been asked to transmit these letters to you with the hope that they will be considered as constructive and will initiate actions to enhance the position of U.S. fisheries off Alaska.

Sincerely,

Dayton L. Alverson
Managing Partner

Enclosure

SEP 20 1983 NPFMC ADM.

AGENDA B-1(a)
SEPTEMBER 1983

ACTION	ROUTE TO	INITIAL
	Exec. Dir.	
	Gen. Mgr.	
	Asst. Dir.	

September 13, 1983

Council Members
North Pacific Fishery Management Council
P. O. Box 3136DT
Anchorage, Alaska 99510

Dear Council Members:

The passage of the Magnuson Fishery Conservation and Management Act in 1976 constituted the most important statement of national fishery policy in the history of our nation. The Act not only extended jurisdiction of the United States from 12 to 200 miles but also established a new regional system for the management of marine fisheries in the waters adjacent to the U.S. Major responsibilities for developing plans for the use and regulation of these resources were vested in the regional Fishery Management Council. The North Pacific Fisheries Management Council was given the unenviable task of being the caretaker of some of the nation's largest and most valuable resources.

We are acutely aware of the dedicated efforts of current and past members of this Council to improve the status of Alaskan fisheries and of the heavy workload imposed on its members. Nevertheless, we have become increasingly concerned over (1) a tendency to overlook important procedural steps mandated by the MFCMA in the decision-making process; (2) extended delays in formulating, processing and consummating management plans; (3) the impression that certain plan review obligations of the Council are fulfilled in a cursory fashion; and (4) operative procedures that are costly in terms of user groups time to participate in Council activities.

It should be clear that these concerns have not been raised as a criticism of particular Council members or the substance of Council decisions. We are also aware that solutions to the problems noted above do not rest solely with the Council. Nevertheless, they are raised in hopes of stirring the consciousness of the members to the importance of maintaining the credibility of Council performance, to encourage operational and procedural changes which will improve the capacity of members to discharge their responsibilities, and to promote a more harmonious relationship between the Council and those impacted by its decisions.

The following examples are presented in the hope that they will be of value to the Council in considering the concerns noted above.

1. Requests are often made for the Council to take action on important management issues including plan modifications. Many of the requests lack supporting data outlining the characteristics of the problem, the value of proposed changes and the impact on various user groups. In some instances the Council acts quickly on the requests and subsequently asks its staff, the National Marine Fisheries Service and state agencies to develop the supporting justification. The post-documentation process is not subject to discussion in public Council meetings nor is it reviewed by the SSC and the Advisory Panel.

2. In order to make effective use of existing state management capabilities, the Council has transferred to the Alaska Fishery Board a significant share of the responsibility for development of annual king crab regulations. Nevertheless, the undersigned are united in the view that the Council retain the responsibility to review carefully king crab regulations to ensure their conformance with the purposes and intent of the MFCMA.

3. The long delays in implementing management plans have left the industry uncertain as to the future management of many resources and as to the capacity of the government to achieve the management goals of the MFCMA.

4. The repeated occurrence of agenda items dealing with unresolved problems requires interested users to spend valuable time and money attending meeting after meeting where little or no progress is evident. Frequently there is no explanatory information accompanying agenda items and no technical or scientific data provided to interpret the consequences of proposed actions.

It is obviously easier to raise and identify problems than to suggest satisfactory solutions. Some of the difficulties involve procedural matters and may reflect the workload and limited time available to deal with the spectrum of issues before the Council. In order to bring a greater sense of order and commitment to required procedures, we strongly urge that the Council: (a) carefully review guidelines for selecting agenda items; (b) consider a more selective and time-structured process for dealing with recurrent issues; (c) require parties asking for plan modifications

to submit a written statement of the nature of the problem, action required for its resolution and the consequences of their proposal to the impacted user groups; (d) evaluate its method of dealing with management plans with the intent of minimizing repetitious items dealing with singular problems; (e) organize meetings to deal primarily with a specific management objective of the MFCMA.

In closing, it is important to note that the signers of this letter are strong supporters of the MFCMA and clearly recognize the opportunities it offers for rational use of our living resources and their development. We also recognize that the success of the Council hinges on active public participation and involvement. It is our concern for the Council and its future that has given rise to this letter. We thank you for consideration of our concerns and hope our proposals may lead to an improved Council process.

Yours sincerely,

Alfred H. Brendle
Hood Cove Packing Co.
Columbia - Hood Fishermen
Robert D. Alverson, Fishing Vessel
Owners Association
Barry D. Collier, North Pacific Fishing
Vessel Owners Association
Robert H. Thompson
INLAKE SEAFOODS INC.
Bob J. Meyer - Pacific Seared Processors
ASSN
John - Vancouver Seafoods, Ltd.
Ase Hov - INLAKE SEAFOOD CORP.
Donald K. Peterson - AMERICAN No. 1
North Pacific Fishing
Dennis Peterson Vessel Owners Assoc.
R.K. Pedersen SEAWEST INDUSTRIES
INC.

R. Barry Foster
Huglemer's Yachet Fisheries
Walter Rerupa
Marine Resources Co.
Frank T. Stewart
Stewart Seafoods
John B. Petersen, President
Ocean County Export, Inc.
Einar Pedersen SR
(419 HLINERS)
C. H. J. Jensen
Hansen's
Royce Fishing Inc.
James E. Bunker
Trident Seafoods Corp.
Kornel S. Uri
Trans Pacific Seafoods Inc.
Walter Peter - A. Seafoods



NATURAL RESOURCES CONSULTANTS

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RECEIVED FEB 14 1984

ACTION	ROUTE TO	INITIAL

February 10, 1984

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

Dear Jim:

At the last Council meeting we began what appeared to be a somewhat "warm" discussion on Council procedures. I hope our "tete a tete" did not lead you to the conclusion that I am disillusioned with the Council. You and your staff are confronted with one of the most difficult problems confronting any Council and your work has and will continue to be more complex than that confronting other regions. The North Pacific Fishery Management Council must deal with major international fisheries, conflicts between Alaskans and "out-of-staters," inter-gear struggles and inter-fisheries conflicts. It is because of these varied conflicts that adherence to procedure and documentation should, be a fundamental commitment of the Council.

In our short discussion of the procedure issue, you observed that the Council is a political forum, and I could not agree more, but all political forums are governed by rules. Those of the Council are set down in the MFCMA, its amendments and administrative guidelines. Obviously, they can be augmented by operational procedures established by the Council. I am sure you would agree that the Council has a commitment to play the game within the boundaries of established rules and that fishery management should not deteriorate into a "political process" uninhibited by factual information and procedural and methodological obligations.

I am sensitive to the argument that commitment of staff time to documentation requirements is highly demanding. However, I suspect that to date there has not been a real self-examination of NPFMC procedures and policies to

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February 10, 1984
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determine if the job can be done better with less strain on staff, Council members, involved agencies and meeting attendees. Let us proceed with the thought that some improvement is possible and that better documentation and review of the facts can precede Council decisions. With this in mind, the following constructive criticisms and suggestions are tendered in hope that they might be helpful when the Council addresses procedural issues in April.

1. You feel that scientific and analytical documentation is very demanding and adequate personnel are not available to achieve implied requirements. Perhaps a reexamination of staff and support agency commitments is in order. When the Council was first formed, technical review and analysis of data were considered a responsibility of the state and federal agencies, supported by academia. You may not be getting the support needed from these entities but I still feel they constitute the appropriate groups to perform these activities.

Thus, it is somewhat confusing to me to see the Council staff attempting to undertake technical analysis and option formulation outside of the PDT. It seems we have the plan development teams (PDT) preparing management options along with staff preparing independent analyses and proposals, and the SSC reviewing both. I question the wisdom of having the Council staff attempt to play an independent role in the scientific arena and in option formulation. This seems an unnecessary step and one that generates conflict between the Council staff and the state and federal scientific community. The latter may not always produce what the Council staff desires, but they are better equipped to undertake the analysis and presentation of technical data.

Although I am sure your staff members are well trained, they do not work with peers who are capable of critical review, they may not have the literature sources and data available to provide technically sound analysis, and may be unfamiliar with the source data.

For example, the document dated January 20, 1983, titled "Draft Supplementary Assessment/Initial Regulatory Flexible Analysis For Amendment #13 to the Fishery Management Plan for Groundfish of the Gulf of Alaska," is an interesting review of potential impacts on U.S. fishing but it is incomplete and perhaps misleading. The impact analysis section is particularly disturbing because:

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a) the incidental catch rate for salmon is based on Polish trawl data, although pelagic trawling for pollock conducted by U.S. joint venture vessels and Japanese mid-water operations supporting their surimi fleet are significantly different. In fact, their incidental catch rates of salmon are much lower than that demonstrated for bottom trawl gear. This data suggests major time area differences occur, which we need to explore before making any management decisions. Note the Polish "midwater catches" are cluttered with such items as flounders, ocean perch, and cod, which are almost nil when directed midwater pollock fishing is involved.

b) The analysis of impact fails to note that the ongoing Japanese line fishery, U.S. shrimp, crab, trawl and line fisheries continue to contribute mortalities on halibut. This is an important factor that must be considered in computing interim losses. In 1982, the Japanese line fishery (in the Gulf) took almost four times as many halibut as did the foreign trawl fishery. In addition there would be mortality associated with the ongoing authorized foreign bottom fishing which will occur under all options. Thus, a proper evaluation must add to the natural mortality factor ongoing fishing mortality during the four year lapse until entry to the halibut line fishery. Based on the numbers of incidental take by the aggregate of ongoing U.S. and foreign fishing, authorized under the options, this value is not insignificant.

c) The average weight for halibut based on 1982 data is too low.

d) The assumption that there is a uniform 100 percent mortality by all trawl activity is not supported by available data. Although this information has not been presented to the Council, it has been readily available in the NWAFC data files for several years. The downstream effects need to consider, survival by gear type, average weight by gear type, fishing and natural mortality, which will occur during periods subsequent to release or theoretical release.

e) Finally, ecosystem factors concerning production and competition need some consideration.

We are not sure how much such information would alter the findings, (some factors tend to reduce and some to increase the impacts) but they could materially affect the

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conclusions reached on salmon and modify the proposed impacts on the halibut line fishery. The point here is not to support or detract from any staff action proposed but to note that the issue is more complex than implied and that we should be reasonably sure that the actions taken will help. There is in addition, the issue of duplication of the PDT and SSC efforts.

The assignment of Council staff to formulation of independent technical inputs and options has placed them in an advocacy role both in supporting their findings and in proposed solutions. Thus, they find themselves in frequent confrontation with the SSC, PDT, supporting agencies and users. It seems extremely important to me that the Council staff facilitates the flow of factual information into the Council rather than finding itself in the position of attempting to influence the Council to its personal interpretations. There is also the strong possibility that the new role being played by your staff, will tend to deny access and or downplay relevant information to the Council, which is inconsistent with staff views. Finally, it may divert staff energies from performing those tasks which are essential to orderly operations and functions of the Council.

Suggestion: Reallocate Council staff time to defining specific analyses and data need, presentations, preparation of Council documents, performance analysis of Council actions and in coordinating the plan development teams efforts. There should be a single technical planning document coming to the Council from the PDT reviewed by the SSC and Advisory Panel. If a staff scientist is assigned to an analysis and option evaluation this should be as an input to the PDT effort and not directly to the Council.

2) Industry proposals are at times acted upon without the Council having relevant facts. Although the outcome may not be greatly altered by the presentation and review of relevant data, they are an essential part of the process to ensure adequate understanding of the issues, public input and SSC review of technical/scientific issues. The "Eaton" development area is one example. Suggestion: The Councils work could be assisted by requiring industry or groups suggesting regulatory changes to include in writing, a) a definition of the problem, b) an explanation of how a suggested change will improve the situation, and c) the consequences to impacted user groups. I am frequently told that industry does not have the resources to compile such documentation, but apparently they have some quantitative reasons for proposing change. If such information can not

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be provided by industry and the Council agrees that the change may have merit, it should request the PDT or SSC to evaluate the proposal in light of national standards and other MFCMA requirements. If you are not getting adequate support from the agencies and academia for technical tasks, this matter should be brought to their attention and industry's so the matter can be resolved.

3) Items show up on the agenda time after time, requiring continual attendance by interested participants. Despite the argument that timeliness is essential, a large number of issues do not require immediate attention. The fact that decisions are frequently put off suggests that these issues do not constitute emergencies. Some attempt to formalize the basis for handling agenda items, scheduling the review process and disposing of the matter should be considered. Suggestion: Any matter involving plan amendment, require that a) the nature of the problem be explained at such time that the Council agrees that the matter requires attention, b) the technical reports and review comments be submitted by a specified time, and c) a meeting for action be established, preferably in concert with other matters dealing with the same plan. Consideration of annual or semi-annual meetings to deal with specific plans should be considered. All reports and written comments to be considered by the Council should be in by a stated date prior to the decision-making meeting.

4) In the early stages, the MFCMA incorporated the concept of developing an overall master plan for each Council region. Many of the current conflicts arise out of fear by one gear group, region or fishery that Council actions will erode their future role in fisheries, or development will somehow alter the status quo. Thus, developing and developed fisheries are often at odds.

Part of this concern reflects a fear of the unknown which stimulates an abundance of assertions that are frequently unfounded. The other side of the coin is that those involved with existing and developing fisheries have no basis to judge how the Council will protect their interests. In the absence of some well specified Council criteria which outlines the foundation for trade offs between developing and developed fisheries, both sides flood the Council or attempt to influence Council members to take actions they feel will protect their interests. Unfortunately, this leads to such a fluid situation that neither side can be certain of its future and there is little time to evaluate anything in depth.

Mr. Jim H. Branson
February 10, 1984
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Suggestion: There is a great deal of pressure to develop Alaska's latent fisheries and displace foreign operations. The Council should consider development of a plan for future fishery development including how it will deal with foreign fisheries phase down. The plan and intent of the Council toward development should serve as a guide to the U.S. investment community. In the interim establish a preliminary management regime that will prevail over a specified time period. During this time, data should be collected and studies undertaken to determine a) the economic and social contribution of the developing fishery, b) its impacts (social and economic) on extant fisheries, and c) the optimal configuration of the fisheries in terms of welfare of the resource and users, (economic or social goals) and sustained production for species complexes involved.

I hope these few thoughts will do more than raise the hair on the back of your neck.

Sincerely yours,



Dayton L. Alverson
Managing Partner

P.S. This paper has been known to clog toilets so be careful where you file the letter.