

June 23, 1978

Advisory Panel Report
North Pacific Fishery Management Council

The Advisory Panel met at 10 a.m. in the Aleutian Room of the Anchorage Westward Hilton. Members present were Keith Specking, Charles Jensen, Robert Alverson, Don Rawlinson, Al Otness, Rick Lauber, Nick Szabo and Ray Lewis.

During the morning session the Advisory Panel heard reports from members of the audience and from panel members.

Al Comiskey of the National Weather Service, marine service branch, gave a short briefing on recent activities of the Weather Service in Alaska. Activities include:

- An improved ice program with more emphasis on activities in the Bering Sea.
- National Weather Service working with the USCG to minimize the effects of lighthouse closures as pertains to weather observation.
- NWS is hoping to deploy three weather and oceanographic sensing buoys along the coast of Alaska.
- NWS recently held a meeting of leading marine specialists from each NWS region and NWS headquarters for the purpose of improving marine services over the Continental Shelf and the Great Lakes.
- NWS is working with the USCG to implement broadcasts of weather maps for the North Pacific transmitted from Kodiak. If implemented, a large array of weather maps will be accessible to fishermen at sea. This is expected to contribute to more efficient operation at sea as well as safety at sea.
- NWS has laid formal requirements on the USCG for broadcast of tanker transit times through Prince William Sound.
- Mr. Comiskey encouraged feedback from the fishing industry on weather forecast quality, usability, and timeliness.

Sarah Hemphill reported to the Advisory Panel on activities and events following the last Council meeting regarding the requested amendment to the Gulf of Alaska Groundfish Preliminary Management Plan and to the request for emergency regulations. (The amendment dealt with moving the 137° eastern foreign fishing boundary line to 140° W longitude as a means of bringing the PMP into conformity with the FMP and as a much needed aid to the developing U.S. black cod fishery off Southeast Alaska.)

Ms. Hemphill pointed out that the telegram was apparently lost enroute to Secretary Kreps. NOAA then decided that the emergency regulations needed a 30-day public comment period -- but had no public comment period for relaxation of the foreign longline restriction west of the Gulf. The panel discussed the failure of the Council to use the tools available to it in getting prompt action from the Secretary, namely advising the congressional delegates to act. This would seem to be most appropriate, especially since Senator Stevens was very active in developing the FCMA and should be made aware of its flaws. Normal courtesy would allow this.

Ms. Hemphill informed the panel that the amendment supposedly would be published Thursday, June 22 in the Federal Register with provisions for a 10-day comment period. Ms. Hemphill expressed distress over the amendment procedure and suggested the establishment of an executive committee to oversee these matters in the future.

The failure of the Department of Commerce to adopt the emergency regulations in a timely manner led the Advisory Panel to express displeasure with the handling of legal matters and the need by the Council for an attorney. The panel adopted a motion that the Council secure a legal counsel who would be responsible only to the Council.

Bob Alverson reported to the Advisory Panel on agenda item 15, saying a halibut management plan is needed as the current treaty with Canada expires April 1979. The Panel adopted a motion saying, "The Advisory Panel endorses the pursuit of a halibut management plan and that efforts on that plan begin immediately, and that the Council consider that emergency regulations should be developed and implemented at the cessation of the U.S./Canada treaty if the halibut management plan has not been approved by that time, and in the event that no other U.S./Canadian interim agreement or settlement had been reached."

Bob Alverson also reported to the panel on the Ottawa meeting.

The Advisory Panel reviewed the Tanner Crab Regulations as revised by the Tanner Crab Regulations Review Committee and had the following general comments.

- 1) The Advisory Panel questioned the origin of the first regulations which were sent to the Secretary last December. They also responded critically to the changes that had been made in Washington to the draft regulations.
- 2) The Advisory Panel made specific recommendations to Kim White concerning redrafted regulations. Rather than detail specific recommendations the comments were given to Kim White who sat in on the review. Many of the changes were housekeeping in nature.

- 3) The Advisory Panel recommended that the regulations as rewritten by the regulation review group be approved.

The Advisory Panel discussed the joint ventures foreign permit application for the Russian processor, the SULAK. The panel queried Dr. Walter Pereyra about details of the operation including by-catch, area of operation, conflict of quota with KMIDC, and future plans. Later, the Advisory Panel made some specific recommendations:

The Advisory Panel requested that the Council determine by what method Washington arrived at a tonnage number exceeding the OY for pollock in the Gulf of Alaska. The panel noted that DAH and holdback on pollock totalled 48,000 metric tons, the KMIDC permit allows them 51,460 metric tons. Additionally they have failed to take into account the domestic annual harvest already taken of approximately 1200 metric tons. Then add to this the 10,000 metric tons requested by the SULAK and the OY is further exceeded.

The Advisory Panel recommended that the additional permit for the SULAK not be granted at this time. The panel recommends that the Council have the SSC develop a statistical analysis of the expected by-catch and recommend the percentage of by-catch by specie that will be allowed. Time and area restrictions should be developed to give the maximum protection to our developing domestic bottomfish industry.

The Advisory Panel adopted a resolution (attached) urging the Council to review the need for changes in the FCMA. This was due to the many problems that have arisen in attempting to have regulations drafted and implemented and the long period of review time required for plan implementation. It has become apparent that more responsibility for final action on regulations should be at the regional level.

ADVISORY PANEL RESOLUTION
REGARDING AMENDMENTS TO FCMA

WHEREAS Congress has recognized the necessity of providing effective management of fisheries by establishing the regional councils and associated groups of local expertise

WHEREAS by causing unnecessary delays in implementation of fishery management plans and unwarranted revision of regulations, the Department of Commerce has not responded in a meaningful manner to the needs of Alaska's fisheries and has frustrated effective fisheries management.

WHEREAS even though the Council has been considerate of administrative problems encountered in the Department of Commerce by not recommending changes to the FCMA, the present trend is intolerable for any meaningful fisheries management program.

WHEREAS the Advisory Panel wholeheartedly endorses the comments made by the Council's Executive Director on the NOAA/NMFS dismal record of cooperation and impossible management system it creates, it feels that mere comments are not sufficient to rectify this situation.

BE IT RESOLVED that the Advisory Panel recommends the Council seek amendments to the FCMA to accomplish the following concepts:

1. Provide more effective authority to the Council for developing and implementing both the fishery management plans and regulations.

2. The Department of Commerce review will be limited to overall consistency with national policy and not details of plans or regulations. The Department of Commerce review must be completed in a 45-day period otherwise the fishery management plans and regulations developed by the Council automatically go into effect.
3. Full delegation of Secretarial review authority be made to the regional director of NMFS.