#### EXECUTIVE DIRECTOR'S REPORT

Last week we received a letter signed by many of the most able and respected leaders of the Northwest fishing industry asking the Council to re-evaluate many of its procedures. That letter is Attachment B-1(a) under this agenda item. The questions they raise, and the recommendations they make are very thought provoking and, I believe, very timely. Some of the problems they outline do involve procedural matters that are difficult or impossible to change without greatly altering some of the current legislation and administrative procedures required of the federal government. But many are not, and I think those areas can be improved. In fact, the Council staff has been working since July on a plan to change our current procedure and while it may not, in the long run, greatly speed things up, I think it can greatly improve the quality of the end product and simplify the now sometimes cumbersome and expensive role of interested users.

I don't believe it's necessary or desirable to respond to this letter in detail at this time. I do look on it as constructive criticism, and I would like the Council to work with the staff, probably through the Policy and Planning Committee, to thoroughly review all of these problems and find solutions that we can implement within current legislative guidelines.

#### Chairmen's Meeting

Attachment B-1(b) is the tentative agenda for the Chairmen's Meeting scheduled for Biloxí, Mississippi November 2-4. I have asked them to add conflict of interest problems with Council and AP members and OMB review of Council actions. Time is getting tight; if you have other additions you wish to recommend, please let me know at this meeting.

### Conflict of Interest

NOAA General Counsel in Juneau is working with the NOAA Counsel in Washington in an attempt to get an exemption from the conflict of interest statute for Council members. Meanwhile, the suit brought by Alaska Legal Services on the halibut moratorium still drags on with a possibility that depositions will still have to be made by some Council and AP members. Pat Travers or Thorn Smith should be able to elaborate on the current status of this subject.

#### Other Meetings and Conferences

October and November are loaded. The symposium on fisheries law, Oct. 21-22 in Seattle, has five reservations for the Council. We need to decide at this meeting how many of those we want to use and who will attend.

The Fish Expo in Seattle October 26-29 will have a North Pacific Council presence in a booth we are sharing with other Alaska fishery groups, Sea Grant, ADF&G, United Fishermen of Alaska, and Alaska Seafood Marketing Institute. The display will be modest, but it will be manned so that we can discuss fishery management with anyone willing to stop and chat.

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### EXECUTIVE DIRECTOR'S REPORT, cont'd

The fisheries conference in Rome sponsored by FAO starting October 10 is still on, but the representative of the Pacific and North Pacific Councils, Professor Bevan, will not be a member of the U.S. delegation. Instead of the original 13-member delegation planned, there will only be 6 going for the U.S. Dr. Bevan's name was apparently seventh on the list. We are not quite sure how the final selection was made, but it was not on the basis of professional ability or status in the field of fisheries.

The International North Pacific Fisheries Commission U.S. Section will meet in Anchorage on Friday and Saturday following this meeting. Their plenary session is set for November 1-4 in Anchorage.

The Marine Mammal Conference on the inter-relationship between fisheries and marine mammals in the Bering Sea, co-sponsored by the Council and the Marine Mammal Commission, will be held in Anchorage October 18-21. The purpose of the conference is to discuss that inter-relationship and identify areas where we should concentrate to obtain further information on this complex problem.

The meeting between the U.S. and Japanese fishing industries to work out joint venture arrangements for 1984 has not been scheduled, but we expect it to be sometime in the first half of November. That meeting will give us most of the information we need to estimate joint venture requirements next year and set final TALFF figures at the December meeting.

The Pacific Marine Fisheries Commission meets Nov. 7-8 in Boise, Idaho, and the Pacific Council meets Nov. 9-10 in the same city. I have been invited to attend the Pacific Marine Fisheries Commission meeting and would like to do so in conjunction with my return trip from the Chairmen's meeting in Mississippi. I would like to stay for the Pacific Council Meeting. I have not attended one of their meetings for several years. Those I have attended in the past have allowed me to compare our methods of operation and incorporate some procedures that have helped us. I find it quite productive to sit in with any of the other Councils whenever I get the opportunity.

Attachment B-1(c) is the current status of plans and amendments.

We have scheduled a group photo of the Council for 10:30 a.m. this morning. It should only take a few moments and will be done in this room.

Please be sure to submit  $\underline{all}$  travel claims within 30 days. The end of the fiscal year is here.

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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.

Council Members September 13, 1983 Page 2

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

Council Members September 13, 1983 Page 3

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 singlular 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.

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#### TENTATIVE AGENDA

#### COUNCIL EXECUTIVE DIRECTOR'S SESSION

#### BILOXI HILTON

### **NOVEMBER 2, 1983**

- 1. Adoption of Agenda Swingle
- 11. Council Chairmen's Agenda General Discussion
  - a. Review of Discussion Topics
  - b. Determination of Order of Council Statements (Agenda Topic II)
  - c. Selection of Council Rapporteur and Spokesmen, Etc.
  - d. Revisions to Agenda
- III. Confidentiality Procedures for Councils General Discussion
- IV. Proposed Council Operations Guidelines General Discussion
- V. Report on Resolution of OMB Modification of Rules Bryson
- VI. Impacts of Budget Reduction on Council Operations Greenley
- VII. Inclusions of Fishery Products in U.S. A.I.D. Commodities

  Program Bryson
- VIII. Theory of Management Branson
  - IX. Effectiveness of Framework Measures General Discussion
  - X. Responsiveness of NMFS to Council Research Requirements General Discussion
  - XI. Need for Council Liaison Staff in Washington Marshall
  - X1. Summary of Executive Director's Discussions Swingle
- XXI. Other Business Swingle

#### TENTATIVE AGENDA

#### COUNCIL CHAIRMEN'S MEETING

#### BILOXI HILTON

### NOVEMBER 3 - 4, 1983

- 1. Introduction and Adoption of Agenda Gulf Chairman
- 11. Future of Fisheries Management Under the Magnuson Act
  - a. Achievements and Problems During the Past Seven Years
    - 1. Council Viewpoints each Council's Spokesman
    - 2. NMFS Viewpoint NMFS Spokesman
  - b. How should Fishery Management be Directed to Better Serve the Nation
    - 1. Council Viewpoints Each Council's Spokesman
    - 2. NMFS Viewpoint Gordon
  - c. Requirements for Improved Fishery Management
    - 1. Council Viewpoints General Discussion
    - 2. Summary of Recommendations Finch
  - d. Final Statement
    - 1. Council Rapporteur
    - 2. William Gordon
- 111. Budget
  - a. NMFS and Council FY' 84 Funding Levels and Future Outlook Gordon
  - b. Impact of Funding Levels on Council Effectiveness PC
  - c. Involvement of the Council's in the Budget Process SAC/Gordon
  - d. Consideration of a Joint Approach if Reductions in Budget Occur - MAC
  - e. Consideration of Alternatives for Administration of Council funding NEC
  - IV. Council Access to Confidential Statistics MAC/Gordon
  - V. Litigation Affecting FMP's and Council Operations McMannus/Johnson
- VI. Current Legislative Bills Affecting Fisheries Congressional Staffs
- VII. Report on Executive Director's Session Executive Directors
- VIII. Future Meetings of Chairman Gulf Council Chairman

### Status of Fishery Management Plans

#### 1. Salmon FMP

No action is required of the Council at this meeting. There will be an update on the fishery.

### 2. Herring FMP

The Council will consider final approval of the FMP, proposed regulations, and supporting documents at this meeting. Several alternatives for treating incidental catch will be reviewed.

### 3. King Crab FMP

The final package is ready for re-adoption by the Council so that the plan can be submitted for fast-track Secretarial review.

### 4. Tanner Crab FMP

The Council is scheduled to take final action on Amendment 10 addressing recent state changes in exclusive registration areas and pot limits. The Council will also review NMFS's disapproval of pot limits in Amendment 8.

The Council approved in July Amendment 9 which will update ABC/OYs with numerical ranges, framework seasons, revise the in-season adjustment section, and add a new section on pre-season adjustments. The amendment package is being prepared and will be submitted to Secretarial review in mid-October.

Amendment 8, the housekeeping amendment, began Secretarial Review on May 16, 1983 and is targeted for implementation on October 5, 1983. The portion setting Kodiak pot limits at 250 was disapproved by NMFS.

### 5. Gulf of Alaska Groundfish FMP

The Council will hear a report on the meeting of the Prohibited Species Workgroup and may consider a prohibited species amendment. The Council will give preliminary consideration to equilibrium yields, optimum yields, DAP and JVP for 1984.

In July the Council voted to raise the pollock OY from 143,000 mt to 183,000 mt in the Central Gulf. The mechanics of implementing this increase in OY are now being worked out and may be discussed at this meeting.

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

Amendment 11, which adjusts sablefish and pollock OY and introduces a framework DAH was approved by NMFS on September 1, 1983 and is targeted for implementation on January 1, 1984.

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### 6. Bering Sea/Aleutian Islands Groundfish FMP

The Council will review the Resource Assessment Document for 1984 and initially review TACs, DAP, and JVP for the 1984 groundfish fishery. These will be finalized in December. The Council may also clarify its past actions in Amendment 1 concerning the beginning date of the foreign trawl fishery closure for Petrel Bank.

Amendment 9 establishing field order authority for conservation closures, was approved in July for public review. Final Council action will come in December.

Amendment 8 setting salmon PSC limits for 1984 and 1985 was approved by the Council in May 1983 and will be implemented through a rule-related notice.

Amendment 7 modifying restrictions on foreign longliners in the Winter Halibut Savings Area was implemented on August 31, 1983.

Amendment 6 creating the Fishery Development Zone began Secretarial review on September 5, 1983 and, if approved, will be implemented on January 24, 1984.

Amendment 1 on managing groundfish as a complex was approved by NMFS on July 26, 1983, and is scheduled to be implemented on January 1, 1984. The portion concerning the Petrel Bank needs to be clarified (see above).