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Dixy Lee Ray
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DEPARTMENT OF FISHERIES
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Mr. Harold E. Lokken, Chairman
North Pacific Fishery Management Council
P. O. Box 3136 DT
Anchorage, Alaska 99510

Mr. John McKean, Chairman
Pacific Fishery Management Council
526 S.W. Mill Street
Portland, Oregon 97201

Gentlemen:

You recently asked for agenda items to be discussed at the March meeting of Regional Council chairmen. The following suggestions are items which I believe are problems now and certainly will be as Councils prepare management plans for various species and fisheries during the next few years.

First, high on my list of priorities is consideration of financial assistance to states for enforcement inside 3 miles which support management plans and regulations developed by the Councils and approved by the Secretary. To effectively implement plans which heavily impinge on normal state functions imposes a financial burden difficult to overcome. There may be considerable advantage to have the states conduct enforcement efforts. In many cases it will be cheaper and more efficient since there already is a trained nucleus of enforcement personnel available in various state fishery agencies.

Without financial assistance, enforcement of specific landing laws, differential size limits, and license moratorium now being considered by the Secretary with respect to the Pacific Council Ocean Salmon Plan will be difficult. Add to this the eventual implementation of other plans being developed by the Council and the states may be compelled to default in their enforcement obligations.

I believe that you are aware of the far-reaching implications if Council plans are not fully enforced. I urge you to place this item on the agenda.

Second, my recollection is that P.L. 94-265 does not specifically require an Environmental Impact Statement. Rather, the Secretary's legal staff felt that an EIS was necessary to preclude the threat of future court action on Council-developed plans. The EIS is cumbersome and significantly lengthens the time for plan review. In my view, it would be appropriate to discuss modification or elimination of the EIS and fall back to the requirements of a fishery management plan listed in Section 303 of the FCMA.

Third, when a target species is fished at its optimum in a mixed species complex, non-target species can be and often are over-fished. The first national standard under Section 301 is rather explicit in that "...measures, shall prevent overfishing while achieving..., the optimum yield from each fishery". What this

appears to do is to jeopardize any plan which involves mixed species of fishing for a particular target species (e.g. protection of halibut while conducting a directed fishery for other groundfish). Irrespective of how optimum yield is defined, I believe this is a gray area that needs additional interpretation and resolution as to policy.

Finally, the prohibition on hearings outside the geographical area of a Council, particularly as it relates to the North Pacific Council, requires interpretation in the case of "transboundary stocks". An example might be a plan eventually developed for Pacific halibut - fished on from Oregon to Alaska - and extending over jurisdiction of two Councils. Many fishermen and processing plants for this species are located outside Alaska. Section 304 (Miscellaneous Duties) authorizes the Secretary to either designate which Council shall prepare a plan or require the plan to be jointly prepared. If the North Pacific Council is designated to prepare such a plan, the question arises whether or not hearings could be held in Oregon and/or Washington so that affected fishermen and processors who largely live outside that Councils jurisdiction can attend and participate. This is somewhat different from hearings held for fishermen living in various coastal areas of Alaska.

I hope these proposed agenda items can be discussed and resolved.

Sincerely,

Gordon Sandison

Gordon Sandison
Director