



Vol. 1, No. 7
 Contact: Joe Clem
 Phone: 202 - 634-7436

JULY 1977
 (Cutoff Date: July 31)

COUNCIL MEMORANDUM

IN THIS ISSUE

WASHINGTON REPORTS

| | <u>Page</u> |
|--|-------------|
| --Foreign Fishing Fleet Observer Program..... | 1 |
| --Foreign Fishing Monitored..... | 2 |
| --Domestic Fishing Monitored..... | 3 |
| --Draft Event Schedules for Implementation of FMP's and Issuance of Foreign Fishing Permits Under Existing PMP's..... | 3 |
| --Fishery Management Plans (FMP's)..... | 4 |
| --Preliminary Management Plans (PMP's)..... | 4 |
| --Joint Ventures..... | 5 |
| --Status of the Model Charter for Advisory Panels..... | 5 |
| --Regional Council Appointments..... | 6 |
| --Roster of Council Membership..... | 7 |
| --Marine Fisheries Advisory Committee (MAFAC) Meeting..... | 10 |
| --NMFS Regional and Center Directors Meet..... | 10 |
| --Meeting of Council Chairmen..... | 10 |
| --Questions Raised by Executive Directors..... | 11 |
| --Additional Funding to States and Marine Fisheries Commissions..... | 12 |
| --Regulations for Operations of Councils..... | 12 |
| --Congressional Activities..... | 13 |
| --Administrative Operations | |
| --Outstanding Travel Vouchers..... | 14 |
| --Council Input for Council Memorandum..... | 14 |
| --Councils' Expenditures for FY 1977..... | 14 |

COUNCIL REPORTS

| | |
|--|-----|
| --Reports from Councils | |
| --New England..... | 15 |
| --Mid-Atlantic..... | 16 |
| --South Atlantic..... | 17 |
| --Caribbean..... | 18 |
| --Gulf of Mexico..... | 20 |
| --Pacific..... | 22 |
| --North Pacific..... | 23 |
| --Western Pacific..... | 24 |
| --Schedule of Upcoming Council Meetings..... | (i) |



Foreign Fishing Fleet Observer Program

During the month of July the Soviet fleet withdrew most of their vessels from the Bering Sea. Four observers scheduled for that fishery were placed in other fisheries: One in the Soviet coastal hake fishery, one in the Japanese Bering Sea trawl fishery, and two in the Japanese trawl fishery in the Gulf of Alaska. The Koreans indicated that they would not fish in the Gulf of Alaska until August. Consequently, observers scheduled for that fishery were also transferred to the Soviet coastal hake fishery.

Some ship-to-ship transfers were made within the same fishery to obtain better coverage of various vessels in that fishery. There were 57 observers aboard a fleet of 330 foreign fishing vessels during the month of July for 17% coverage. The following table illustrates observer activity in the month of July:

| | U.S.S.R | | JAPAN | | POLAND | | SPAIN | | KOREA | | TOTALS | |
|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| | Obs- vers | Ves- sels | Obs- vers | Ves- sels | Obs- vers | Ves- sels | Obs- vers | Ves- sels | Obs- vers | Ves- sels | Obs- vers | Ves- sels |
| Atlantic Squid Fishery | 6 | 24 | 5 | 15 | 4 | 6 | 7 | 19 | - | - | 22 | 64 |
| Bering Sea Tanner Crab Fishery | - | - | 10* | 13* | - | - | - | - | - | - | 10 | 13 |
| Bering Sea Trawl Fishery | - | - | 9 | 17** | - | - | - | - | 1 | 1 | 10 | 18 |
| California-Oregon-Washington Trawl Fishery | 8 | 27 | - | - | 2 | 5 | - | - | - | - | 10 | 32 |
| Gulf of Alaska Trawl Fishery | 2 | 2 | 2 | 10 | - | - | - | - | 1 | 1 | 5 | 13 |
| TOTALS | 16 | 53 | 26 | 55 | 6 | 11 | 7 | 19 | 2 | 2 | 57 | 140 |

*Seven vessels left the fishery during the month at which time four observers disembarked.

**Does not include land based dragnet vessels.

Foreign Fishing Monitored

Surveillance and enforcement activity for the month of July has resulted in 191 boardings, 23 citations, 9 reports of violations, and 1 seizure. They are summarized below:

Number of Foreign Vessels

| | <u>Off Alaska</u> | <u>Off Pacific Northwest</u> | <u>Off Western Pacific</u> | <u>Off New England</u> | <u>Off Gulf of Mexico</u> | <u>Total</u> |
|----------|-----------------------|--------------------------------------|------------------------------------|--------------------------------|-----------------------------------|--------------|
| France | 0 | 1 | 0 | 0 | 0 | 1 |
| Italy | 0 | 0 | 0 | 2 | 0 | 2 |
| Japan | 634 | 0 | 0 | 11 | 2 | 647 |
| Poland | 0 | 6 | 0 | 0 | 0 | 6 |
| S. Korea | 11 | 0 | 0 | 0 | 0 | 11 |
| Spain | 0 | 0 | 0 | 27 | 0 | 27 |
| USSR | <u>7</u> | <u>39</u> | <u>0</u> | <u>27</u> | <u>0</u> | <u>73</u> |
| | 652 | 46 | 0 | 67 | 2 | 767 |

Number of Boardings

| | | | | | | |
|----------|----------|-----------|----------|-----------|----------|-----------|
| France | 0 | 1 | 0 | 0 | 0 | 1 |
| Honduras | 0 | 0 | 0 | 0 | 2* | 2 |
| Italy | 0 | 0 | 0 | 5 | 0 | 5 |
| Japan | 57 | 0 | 0 | 8 | 0 | 65 |
| Poland | 0 | 6 | 0 | 0 | 0 | 6 |
| S. Korea | 8 | 0 | 0 | 0 | 0 | 8 |
| Spain | 0 | 0 | 0 | 50 | 0 | 50 |
| USSR | <u>4</u> | <u>19</u> | <u>0</u> | <u>31</u> | <u>0</u> | <u>54</u> |
| | 69 | 26 | 0 | 94 | 2 | 191 |

Number of Citations

| | | | | | | |
|----------|----------|----------|----------|----------|----------|----------|
| Japan | 2 | 0 | 0 | 3 | 0 | 5 |
| S. Korea | 3 | 0 | 0 | 0 | 0 | 3 |
| Spain | 0 | 0 | 0 | 10 | 0 | 10 |
| USSR | <u>0</u> | <u>0</u> | <u>0</u> | <u>5</u> | <u>0</u> | <u>5</u> |
| | 5 | 0 | 0 | 18 | 0 | 23 |

Number of Violations

| | | | | | | |
|----------|----------|----------|----------|----------|----------|----------|
| S. Korea | 1 | 0 | 0 | 0 | 0 | 1 |
| Spain | 0 | 0 | 0 | 6 | 0 | 6 |
| USSR | <u>0</u> | <u>2</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u>2</u> |
| | 1 | 2 | 0 | 6 | 0 | 9 |

Number of Seizures

| | | | | | | |
|--------|---|---|---|---|---|---|
| Mexico | 0 | 0 | 0 | 0 | 1 | 1 |
|--------|---|---|---|---|---|---|

*Honduras - vessels were boarded while in port for repairs.

Domestic Fishing Monitored

Surveillance and enforcement activity for the month of July has resulted in 41 boardings, 17 citations, and 1 report of violation. They are summarized below:

| <u>Number of Boardings</u> | | | | | |
|--|------------------------------|----------------------------|------------------------|---------------------------|--------------|
| <u>Off Alaska</u> | <u>Off Pacific Northwest</u> | <u>Off Western Pacific</u> | <u>Off New England</u> | <u>Off Gulf of Mexico</u> | <u>Total</u> |
| 0 | 1 | 0 | 40 | 0 | 41 |
| <u>Number of Citations</u> | | | | | |
| 0 | 0 | 0 | 17 | 0 | 17 |
| <u>Number of Reports of Violations</u> | | | | | |
| 0 | 1 | 0 | 0 | 0 | 1 |

Draft Event Schedules for Implementation of FMP's and Issuance of Foreign Fishing Permits Under Existing PMP's

As of July 31, three Councils (Pacific, South Atlantic, and Mid-Atlantic) have responded to the NMFS request for comments/suggestions from Councils on NMFS' interpretation of the processes involved in implementation of FMP's and issuance of foreign fishing permits. From the comments received, the major concern of the Councils is the length of time involved in both event diagrams. Councils' comments/suggestions which do not constitute legal or administrative conflicts are being incorporated into the new event diagrams. Comments from NMFS Regional and Center Directors, as a result of discussions at their July 26-29 meeting, will also be incorporated, and a final revised event diagram should be ready before the end of August.

A tracking system has been developed for monitoring implementation of fishery management plans for use in NMFS headquarters. A copy of the system will be forwarded to the Councils. However, NMFS encourages each Council to develop its own tracking system for the plans.

Fishery Management Plans (FMP's)

Two additional FMP's have been received by NMFS, bringing the total thus submitted by Councils to five. The new plans are the Groundfish Fishery, Gulf of Alaska, during 1978, and the Tanner Crab (off Alaska) Plan, both prepared by the North Pacific Council. The "Notice of Availability" of the Groundfish DEIS/FMP was published in the Federal Register on July 18. The public review period will end on August 30, 1977. The "Notice of Availability" of the Tanner Crab DEIS/FMP was published on July 19, 1977, and the public review period will end on September 1, 1977.

Of the other FMP's that were previously submitted, two have been approved by the Secretary and are in effect:

- Atlantic Groundfish (cod, haddock, yellowtail flounders)
(approved March 14, 1977; prepared by Mid-Atlantic Council)
- Commercial and Recreational Salmon Fisheries off the Coasts
of Washington, Oregon, and California (approved April 20, 1977;
prepared by Pacific Council)

The public review period on the Atlantic Clam Fishery (surf clam and ocean quahog) DEIS/FMP ended on July 2. The FEIS/FMP is presently being prepared by the Mid-Atlantic Council.

Preliminary Management Plans (PMP's)

The National Marine Fisheries Service is amending the 13 PMP's that were approved by the Secretary and upon which foreign fishing regulations were based for 1977. Once amended and approved, foreign fishing operations will be continued in 1978 on stocks where surpluses exist, and when fees are paid, and 1978 fishing permits have been issued. The proposed amendments are intended to reflect an updated analysis of the biological, ecological, social, and economic data which has become available since the PMP's were first prepared. Further, the interests of the domestic fishing industry have been considered in addressing catch levels for 1978. For the most part, changes in optimum yield, domestic capacity, and total allowable levels of foreign fishing, are included. It must be stressed that PMP's will remain in effect only until replaced by appropriate FMP's from Councils.

The "Notice of Intent" to amend PMP's was published in the Federal Register on August 2, 1977. Supplements to the final environmental impact statements, or environmental assessments in the event negative declarations are expected, are presently being prepared on the proposed PMP amendment action.

Two new DEIS/PMP's have been prepared by NMFS and are presently undergoing review. They are the Atlantic Billfishes and Sharks and Pacific Billfishes and Sharks. The "Notice of Availability" of the Atlantic Billfishes and Sharks DEIS/PMP was published in the Federal Register on July 22, 1977. The public review period will end on September 4, 1977. The "Notice of Availability" of the Pacific Billfishes and Sharks DEIS/PMP will be published on August 10 and the public review period will end on September 26, 1977.

Joint Ventures

Preparations were made early in the month of July for public hearings on joint venture proposals which deal with arrangements involving the purchase of fish from U.S. fishermen. On July 18, 1977, in a related matter, House hearings were held by the Subcommittee on Fisheries and Wildlife Conservation and the Environment on H.R. 2564. The bill introduced by Mr. AuCoin and cosponsored by Mr. Studds, would limit ownership of U.S. vessels to 25 percent foreign ownership and require the Secretary to prepare an annual report on foreign investment in the U.S. fishing industry. Fifteen members of the House Merchant Marine and Fisheries Committee have cosponsored identical bills. NOAA did not testify at the July 18 hearings. However, another hearing will be held in September (following completion of public hearings around the country on the general joint venture issue), and NOAA will be asked to testify at that time.

The countrywide series of public hearings on the joint venture issue was initiated with a hearing in San Francisco on July 20. This was followed with hearings in Portland, Oregon, and Honolulu on July 21, and a hearing in Seattle on July 22. The hearings will be completed during the month of August, and it is anticipated that the last of the hearing summaries will reach the Washington Office (NMFS) by September 21. Proposed rulemaking based upon the hearing record should be published in the Federal Register by the end of October.

The Interim Proposed Rulemaking (referenced in last month's Memorandum) which proposed to amend Section 611.3 of the Foreign Fishing Regulations, "Permits for foreign fishing vessels," to allow the Director, NMFS, to modify as necessary, those portions of existing permits relating to conditions and restrictions were published on July 13. Furthermore, a decision has been made to include additional conditions and restrictions on future permits which would prohibit activities in support of U.S. flag fishing vessels unless specifically authorized in the permit.

Status of the Model Charter for Advisory Panels

In response to the Secretary's May 10 memorandum to Council Chairmen regarding her concerns about minimizing advisory committee red tape, a model charter was developed as a guide to Councils in establishing consolidated Advisory Panels with species sub-panels, rather than individual species Advisory Panels.

The model charter is well along in the approval process. The Department of Commerce has the final version and is expected to approve it. The next step in the approval process is review/approval by the Office of Management and Budget (OMB). The Department is expected to refer the charter to OMB early in August. However, it is difficult to project when final disposition will occur. NOAA officials responsible for coordinating the review and approval of charters have assured NMFS that they will continue to strive for approval at the earliest possible date.

Regional Council Appointments

On behalf of the Secretary of Commerce, the Administrator of NOAA appointed 20 members to the eight Regional Fishery Management Councils. The appointments are effective August 11, 1977. Nineteen of the appointments are for three years. The appointment of Omar Allvard is for the remainder of a three-year unexpired term, i.e., until August 10, 1979. The appointees are listed below.

NEW ENGLAND COUNCIL

| | |
|--|-----------------|
| Herbert R. Drake (N.H.) | Obligatory seat |
| Omar G. Allvard (Conn.) | Obligatory seat |
| Robert Lowry (R.I.) | At-large seat |
| Thomas A. Norris (Mass. - Reappointment) | At-large seat |

MID-ATLANTIC COUNCIL

| | |
|--|-----------------|
| Barbara B. Porter (Del.) | Obligatory seat |
| Harry M. Keene (Md.) | At-large seat |
| David H. Hart (N.J.- Reappointment) | At-large seat |
| William J. Hargis, Jr. (Va. - Reappointment) | At-large seat |

SOUTH ATLANTIC COUNCIL

| | |
|--|-----------------|
| Margaret Stamey (N.C.) | Obligatory seat |
| Edgar C. Glenn, Jr. (S.C. - Reappointment) | Obligatory seat |

GULF OF MEXICO COUNCIL

| | |
|---|-----------------|
| John M Green (Texas - Reappointment) | Obligatory seat |
| George A. Brumfield (Miss. - Reappointment) | Obligatory seat |
| Billy J. Putnam (Fla. - Reappointment) | At-large seat |

CARIBBEAN COUNCIL

| | |
|---|---------------|
| John A. Harms, Jr. (V.I. - Reappointment) | At-large seat |
|---|---------------|

PACIFIC COUNCIL

| | |
|--|-----------------|
| Herman J. McDevitt (Idaho - Reappointment) | Obligatory seat |
| Vernon J. Smith (Calif. - Reappointment) | At-large seat |

NORTH PACIFIC COUNCIL

| | |
|---------------------------------------|-----------------|
| Gordon Jensen (Alaska) | Obligatory seat |
| Clem Tillion (Alaska - Reappointment) | Obligatory seat |

WESTERN PACIFIC COUNCIL

| | |
|--|---------------|
| Peter S. Fithian (Hawaii - Reappointment) | At-large seat |
| Louis K. Agard, Jr. (Hawaii - Reappointment) | At-large seat |

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

| VOTING MEMBERS (17) | | | |
|--|-------|------------------------|--------------|
| CATEGORY | STATE | NAME | TERM EXPIRES |
| DESIGNATED STATE OFFICIAL | MASS. | ALLEN E. PETERSON, JR. | INDEF |
| | R.I. | WILLIAM W. HARSCH | |
| | N.H. | LEE WULFF | |
| | CONN. | THEODORE B. SAMPTON | |
| APPOINTED OBLIGATORY MEMBERS | MAINE | VINAL C. LOOK | 3-10-79 |
| | MASS. | EDWARD J. MACLEOD | |
| | R.I. | JACOB J. DYKSTRA | |
| | N.H. | HERBERT R. DRAKE | |
| | CONN. | CHAR G. ALLVARD | |
| APPOINTED AT-LARGE MEMBERS | MAINE | CHARLES B. STENSON | 3-10-79 |
| | MASS. | HENRY LYMAN | 3-10-79 |
| | MASS. | THOMAS A. NORRIS | 3-10-80 |
| | MASS. | JOHN BURT | 3-10-78 |
| | R.I. | VERGIL J. NORTON | 3-10-78 |
| | R.I. | ROBERT LOWRY | 3-10-80 |
| | MAINE | FRANCIS J. O'HARA | 3-10-78 |
| NMFS REGIONAL DIRECTOR WILLIAM G. GORDON | | | INDEF |

| NON-VOTING MEMBERS | | |
|--------------------------------|--|--------------|
| AGENCY | NAME | TERM EXPIRES |
| FISH & WILDLIFE SERVICE | ASST. REGIONAL DIRECTOR, HARRY BISHOP | INDEF |
| | COMMANDER, COAST GUARD | |
| STATE DEPARTMENT | THOMAS MUMS | |
| MARINE FISHERIES COMMISSION | DONALD YELLMAN ATLANTIC DIRECTOR, IRWIN M. ALPERIN | |

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

| VOTING MEMBERS (19) | | | |
|--|-------|-----------------------|--------------|
| CATEGORY | STATE | NAME | TERM EXPIRES |
| DESIGNATED STATE OFFICIAL | N.Y. | PETER A. BERLE | INDEF |
| | N.J. | RUSSELL A. COOKINGHAM | |
| | DEL. | WILLIAM C. WAGNER II | |
| | PENN. | RALPH W. ABELE | |
| | MD. | ROBERT J. RUSSELMANN | |
| APPOINTED OBLIGATORY MEMBERS | VA. | JAMES E. DOUGLAS, JR. | 3-10-78 |
| | N.Y. | NANCY K. GOELL | 3-10-79 |
| | N.J. | WILLIAM M. FEINBERG | 3-10-80 |
| | DEL. | BARBARA B. PORTER | 3-10-78 |
| | PENN. | ELLIOT J. GOLDMAN | 3-10-78 |
| | MD. | RICKS E. SAVAGE | 3-10-79 |
| APPOINTED AT-LARGE MEMBERS | VA. | ALLEN W. HAYNIE | 3-10-79 |
| | N.Y. | JOHN L. MCHUGH | 3-10-79 |
| | N.Y. | WILLIAM R. PELL | 3-10-78 |
| | N.J. | DAVID H. HART | 3-10-80 |
| | N.J. | ALLAN J. RISTORI | 3-10-79 |
| NMFS REGIONAL DIRECTOR WILLIAM G. GORDON | | | INDEF |

| NON-VOTING MEMBERS | | |
|--------------------------------|--|--------------|
| AGENCY | NAME | TERM EXPIRES |
| FISH & WILDLIFE SERVICE | ASST. REGIONAL DIRECTOR, JAMES H. SHAW | INDEF |
| | CAPTAIN, COAST GUARD | |
| STATE DEPARTMENT | DANIEL MUIR | |
| MARINE FISHERIES COMMISSION | DONALD YELLMAN ATLANTIC DIRECTOR, IRWIN M. ALPERIN | |

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

| VOTING MEMBERS (13) | | | |
|---|-------|----------------------|--------------|
| CATEGORY | STATE | NAME | TERM EXPIRES |
| DESIGNATED STATE OFFICIAL | FLA. | HARMON W. SHIELDS | INDEF |
| | GA. | DAVID H.G. GOULD | |
| | S.C. | EDWIN B. JOSEPH | |
| APPOINTED OBLIGATORY MEMBERS | N.C. | EDWARD G. MC COY | 3-10-79 |
| | FLA. | GEORGE B. GROSS | 3-10-79 |
| | GA. | ALLEN F. BRANCH | 3-10-80 |
| | S.C. | EDGAR C. GLENN, JR. | 3-10-80 |
| | N.C. | MARGARET STANEY | 3-10-80 |
| APPOINTED AT-LARGE MEMBERS | FLA. | GERTRUDE W. BERNHARD | 3-10-78 |
| | GA. | J. ROY DUGGAN | 3-10-79 |
| | S.C. | BENJAMIN T. HARDESTY | 3-10-79 |
| | N.C. | NORMAN B. ANGEL | 3-10-79 |
| NMFS REGIONAL DIRECTOR WILLIAM H. STEVENSON | | | INDEF |

| NON-VOTING MEMBERS | | |
|--------------------------------|--|--------------|
| AGENCY | NAME | TERM EXPIRES |
| FISH & WILDLIFE SERVICE | ASST. REGIONAL DIRECTOR, ROBERT T. WEBB | INDEF |
| | REAR ADMIRAL, COAST GUARD | |
| STATE DEPARTMENT | R. W. DURFEE | |
| MARINE FISHERIES COMMISSION | DONALD YELLMAN ATLANTIC DIRECTOR, IRWIN M. ALPERIN | |

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

| VOTING MEMBERS (17) | | | |
|------------------------------|-----------------|-----------------------|--------------|
| CATEGORY | STATE | NAME | TERM EXPIRES |
| DESIGNATED STATE OFFICIAL | TEX. | JIM P. JOHNSON | INDEF |
| | LA. | J. BURTON ANGELLE | |
| | MISS. | RICHARD L. LEARD | |
| | ALA. | JOHN W. HODNETT | |
| APPOINTED OBLIGATORY MEMBERS | FLA. | HARMON W. SHIELDS | INDEF |
| | TEX. | JOHN M. GREEN | |
| | LA. | THEODORE S. FORD, III | |
| | MISS. | GEORGE A. BRUMFIELD | |
| | ALA. | C. WALTON KRAVER | |
| APPOINTED AT-LARGE MEMBERS | FLA. | ROBERT P. JONES | INDEF |
| | TEX. | ROBERT G. MAUERMANN | |
| | TEX. | JOHN A. MEMOS | |
| | LA. | EDWARD W. SWINDELL | |
| | MISS. | NICHOLAS MAVAR, JR. | |
| | ALA. | THOMAS H. CLARK | |
| FLA. | BILLY J. PUTNAM | 3-10-80 | |
| NMFS REGIONAL DIRECTOR | | WILLIAM H. STEVENSON | INDEF |

| NON-VOTING MEMBERS | | |
|-----------------------------|---|--------------|
| AGENCY | NAME | TERM EXPIRES |
| FISH & WILDLIFE SERVICE | ASST. REGIONAL DIRECTOR, ROBERT W. THOESSEN | INDEF |
| | REAR ADMIRAL, W. W. BARROW | |
| COAST GUARD | BRIAN HALLMAN | |
| STATE DEPARTMENT | GULF DIRECTOR, CHARLES H. LYLES | |
| MARINE FISHERIES COMMISSION | | |
| | | |

CARIBBEAN FISHERY MANAGEMENT COUNCIL

| VOTING MEMBERS (7) | | | |
|------------------------------|-------|---------------------------|--------------|
| CATEGORY | STATE | NAME | TERM EXPIRES |
| DESIGNATED STATE OFFICIAL | P.R. | Heriberto Martinez-Torres | INDEF |
| | V.I. | VERDIN C. BROWN | |
| APPOINTED OBLIGATORY MEMBERS | P.R. | JOSE A. SUAREZ-CAABRO | 3-10-78 |
| | V.I. | ANTHONY CHIOROMITARO | 3-10-79 |
| APPOINTED AT-LARGE MEMBERS | P.R. | HECTOR M. VEGA-MORERA | 3-10-79 |
| | V.I. | JOHN A. HARMS | 3-10-80 |
| NMFS REGIONAL DIRECTOR | | WILLIAM H. STEVENSON | INDEF |

| NON-VOTING MEMBERS | | |
|-------------------------|-------------------------------------|--------------|
| AGENCY | NAME | TERM EXPIRES |
| FISH & WILDLIFE SERVICE | REGIONAL DIRECTOR, KENNETH E. BLACK | INDEF |
| | REAR ADMIRAL, R. W. DUFFEY | |
| COAST GUARD | BRIAN HALLMAN | |
| STATE DEPARTMENT | | |

PACIFIC FISHERY MANAGEMENT COUNCIL

| VOTING MEMBERS (13) | | | |
|------------------------------|--------|----------------------|--------------|
| CATEGORY | STATE | NAME | TERM EXPIRES |
| DESIGNATED STATE OFFICIAL | CALIF. | E. CHARLES FULLERTON | INDEF |
| | ORE. | JOHN R. DONALDSON | |
| | WASH. | GORDON SANDISON | |
| APPOINTED OBLIGATORY MEMBERS | IDAHO | JOSEPH C. GREENLEY | INDEF |
| | CALIF. | JOHN J. ROYAL | |
| | ORE. | JOHN W. MC KEAN | |
| | WASH. | JAMES A. CRUTCHFIELD | |
| | IDAHO | HERMAN J. MC DEVITT | |
| APPOINTED AT-LARGE MEMBERS | CALIF. | VERNON J. SMITH | INDEF |
| | CALIF. | GILBERT A. HUNTER | |
| | ORE. | GEORGE J. EASLEY | |
| | WASH. | JOHN MARTINIS | |
| NMFS REGIONAL DIRECTOR | | DONALD R. JOHNSON | INDEF |

| NON-VOTING MEMBERS | | |
|--|---|--------------|
| AGENCY | NAME | TERM EXPIRES |
| FISH & WILDLIFE SERVICE | ASST. REGIONAL DIRECTOR, KAHLER MARTINSON | INDEF |
| | VICE ADMIRAL, A. C. WAGNER | |
| COAST GUARD | LARRY SNEAD | |
| STATE DEPARTMENT | PACIFIC DIRECTOR, JOHN P. HARVILLE | |
| MARINE FISHERIES COMMISSION | | |
| REPRESENTATIVE OF THE GOVERNOR OF ALASKA | CHARLES H. MEACHAM | |

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

| VOTING MEMBERS (11) | | | |
|------------------------------|--------|--------------------|--------------|
| CATEGORY | STATE | NAME | TERM EXPIRES |
| DESIGNATED STATE OFFICIAL | ALASKA | RONALD O. SKOOK | INDEF |
| | WASH. | GORDON SANDISON | |
| | ORE. | JOHN R. DONALDSON | |
| APPOINTED OBLIGATORY MEMBERS | ALASKA | CORUNN JENSEN | 8-10-80 |
| | ALASKA | CLEN TILLION | 8-10-80 |
| | ALASKA | ELMER RASMUSON | 8-10-79 |
| | ALASKA | CHARLES H. HEACIAN | 8-10-78 |
| | ALASKA | MUCLAS B. EATON | 8-10-79 |
| | WASH. | HAROLD E. LOKKEN | 8-10-78 |
| | WASH. | RONALD L. MCKERNAN | 8-10-79 |
| NMFS REGIONAL DIRECTOR | | HARRY RIETZE | INDEF |

| NON-VOTING MEMBERS | | |
|--|---|--------------|
| AGENCY | NAME | TERM EXPIRES |
| FISH & WILDLIFE SERVICE | ASST. AREA DIRECTOR, GORDON W. MATSON | INDEF |
| | REAR ADMIRAL, JOHN B. HAYES | |
| COAST GUARD | | |
| STATE DEPARTMENT MARINE FISHERIES COMMISSION | CARL PRICE PACIFIC DIRECTOR, JOHN P. HARVILLE | |

WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL

| VOTING MEMBERS (11) | | | |
|------------------------------|-----------|---------------------|--------------|
| CATEGORY | STATE | NAME | TERM EXPIRES |
| DESIGNATED STATE OFFICIAL | AM. SAMOA | RICHARD C. WASS | INDEF |
| | HAWAII | MICHIQ TAKATA | |
| | GUAM | FRANCISCO B. AGUON | |
| APPOINTED OBLIGATORY MEMBERS | AM. SAMOA | PETER E. REID | 8-10-79 |
| | HAWAII | FRANK K. COTO | 8-10-79 |
| | GUAM | PAUL J. BORDALLO | 8-10-79 |
| | HAWAII | PETER S. FITHIAN | 8-10-80 |
| | HAWAII | LOUIS K. AGARD, JR. | 8-10-80 |
| APPOINTED LARGE MEMBERS | HAWAII | WANSWORTH Y.H. YEE | 8-10-78 |
| | GUAM | ISAAC I. IKEIARA | 8-10-78 |
| NMFS REGIONAL DIRECTOR | | GERALD V. HOWARD | INDEF |

| NON-VOTING MEMBERS | | |
|-------------------------|----------------------------------|--------------|
| AGENCY | NAME | TERM EXPIRES |
| FISH & WILDLIFE SERVICE | HENRY HANSEN | INDEF |
| | REAR ADMIRAL, JAMES W. MOREAU | |
| COAST GUARD | | |
| STATE DEPARTMENT | CARL PRICE | |

Marine Fisheries Advisory Committee (MAFAC) Meeting

The 18th Meeting of the Marine Fisheries Advisory Committee (MAFAC) will be held October 5 and 6, 1977, in Washington, D.C. Among other matters, the Committee is expected to review public comments on joint ventures and the proposed NMFS rules and regulations related to them, plans for a national workshop on limited entry, progress of extended jurisdiction for 1978, fishery management plans by Councils, fishery legislation in Congress, and progress on implementation of the National Plan.

The new NOAA Administrator, Richard A. Frank, is expected to attend the meeting.

For additional information, contact: Kess Cannon, Office of the Director, NMFS, Washington, D.C. 20235, (202 -634-7220).

NMFS Regional and Center Directors Meet

The Regional and Center Directors of the National Marine Fisheries Service met with NMFS headquarters staff people July 26-29, 1977. A late afternoon session on July 26 was attended by NOAA Administrator Richard A. Frank. This gave him the opportunity to personally meet the Regional, Center, and Assistant Directors, and other NMFS staff leaders.

The meeting's discussions centered on the NMFS budget Program Emphasis Document for Fiscal Year 1980, logic diagrams for processing Fishery Management Plans and related Environmental Impact Statements, the status of FY 1977 funding, the information systems project, economic impact statements, and other miscellaneous subjects.

Meeting of Council Chairmen

As agreed upon at the Houston meeting, the Director, NMFS, will meet with Council Chairmen in September. This meeting, hosted by the Pacific Council, will be held in the VIP Room of the Rodeway Inn, 7101 N.E. 82nd Avenue, Portland, Oregon, on September 14-15, 1977. On September 14, the meeting is scheduled to begin at 10:00 a.m., and recess at 5:00 p.m. On September 15, the meeting is scheduled to commence at 8:00 a.m., and adjourn at 11:00 a.m. The participants at this meeting will discuss:

1. NMFS budgeting requirements and funding policies relating to Councils.
2. Definition of Council research requirements and potential sources or procedures for accomplishment.
3. Definition of fishery development opportunities and procedures for coordination of implementation between NMFS administrative policy and Council Fishery Management Plans (FMP's).

4. Design and review requirements for FMP's.
5. Fisheries management in territorial waters and its relation to FMP's.
6. Council role in regulation of foreign fishing, e.g., status of Preliminary Management Plans (PMP's), fee schedule, 1978 allocations, enforcement problems.
7. Inter-Council and Council-NMFS communication.
8. National workshops as a means of resolving issues:
 - a. Definition of optimum yield
 - b. Concept of limited entry
9. Other appropriate issues.

This meeting will be open to the public on a first come-first serve basis. Public participation will be permitted to the extent time permits.

Questions Raised by Executive Directors

The following reflects the July 31, 1977, status of the questions raised at the March 28-30 meeting of the Executive Directors in Charleston, South Carolina:

55 questions have been answered

5 questions relating to the application of Federal law are under review by the General Counsel's Office.

1 question relating to the development of alternative designs for a national logo for the Councils is being responded to by NOAA.

Additional Funding to States and Marine Fisheries Commissions

In accordance with Director Schoning's commitment made at the State Fish and Wildlife Directors Meeting on May 19, 1977, and based upon the recommendations of the Councils, additional funds will be allocated to those States which are represented on two Councils. Each of the States in question, Florida, Oregon, Washington, and Alaska, received \$6K in addition to the \$12K already allocated to them for their liaison expenses for one Council. The monies will cover the additional liaison expenses to be incurred by these States in the last quarter of FY 1977. Funding up to \$50K will be provided in FY 1978 to each of the four States in support of their liaison expenses with the Councils.

Funds up to \$15K will be allocated to the three Marine Fisheries Commissions for meeting their statutory responsibilities to the Councils for the balance of FY 1977. Up to \$60K will be provided in total to the Commissions for FY 1978. The breakdown for this funding is as follows:

| <u>Commission</u> | <u>No. of Councils on which Represented</u> | <u>Amount</u> | |
|----------------------------------|---|----------------|----------------|
| | | <u>FY 1977</u> | <u>FY 1978</u> |
| Gulf States Marine Fisheries | 1 | \$2.5K | \$10K |
| Pacific Marine Fisheries | 2 | \$5.0K | \$20K |
| Atlantic States Marine Fisheries | 3 | \$7.5K | \$30K |

Regulations for Operations of Councils

On July 15, 1977, the Final Regulations, "Guidance for Regional Fishery Management Councils," were published in the Federal Register. These Final Regulations revise the Interim Regulations (published in the Federal Register on September 15, 1976) that were promulgated to provide initial guidance for the development of fishery management plans and operation of Regional Fishery Management Councils.

Copies of the Final Regulations were provided to each Council Executive Director early in July. Reprinted copies became available late in July, at which time an adequate number of copies were sent to NMFS Regional Directors for appropriate distribution to officials of other NMFS field offices and to Councils.

In addition, Interim Regulations for "Regional Fishery Management Councils," were published in the Federal Register on July 18, 1977. These Interim Regulations are intended to supplement the Final Regulations published on

July 5, 1977, by providing interim guidance for certain sections held in "reserved" status. Bulk mailings were sent directly to the Councils, NMFS Regional Offices, and NMFS Centers on July 19, 1977, for appropriate distribution.

The Interim Regulations public comment period has been extended until September 30, 1977. Comments should be addressed to the Director, National Marine Fisheries Service, Washington, D.C. 20235. All comments will receive careful consideration for incorporation into the Final Regulations.

Congressional Activities

On June 29, the Senate Committee on Foreign Relations reported H.R. 5638, a bill which effects the Reciprocal Fisheries Agreement between the U.S. and Canada (S. Rept. 95-317). The Senate then passed H.R. 5638 on July 12, thus clearing the measure for the White House. The President signed the bill into law on July 26 (P.L. 95-73).

On July 1, the President signed into law H.R. 6823, the Coast Guard Appropriation Authorization Bill (P.L. 95-61). The Act contains a \$5 million provision for the reactivation of two Coast Guard cutters to be used as backup vessels for the enforcement of the Fishery Conservation and Management Act of 1976.

A conference report was filed June 29, 1977, on H.R. 7557, FY 78 Department of Transportation Appropriation Authorization Bill (H. Rpt. 95-470). The House agreed to the conference report on July 18; the Senate on July 20. This action cleared the measure for the White House. The bill contains a \$5 million increase to Coast Guard for enforcement of the 200-mile fishing zone.

The Subcommittee on Fisheries and Wildlife Conservation and the Environment, House Committee on Merchant Marine and Fisheries held the following hearings:

July 18 - H.R. 2564, the AuCoin bill regarding joint ventures as they relate to the U.S. fishing industry.

July 20 - GIFA (Governing International Fishery Agreement) between the United States and Japan, for 1978-1982, signed at Washington, D.C., on March 18, 1977. (An earlier GIFA for 1977 was signed on February 10, 1977.)

Administrative Operations

- Outstanding Travel Vouchers - The NMFS Office of Executive and Administrative Support (Fx3) has transferred the accrued costs for Council travel charged to the NMFS extended jurisdiction account to the grants object class. To enable Fx3 to complete this transfer, it is very important that all outstanding travel vouchers be submitted as soon as possible to the appropriate NOAA Field Finance Office for processing. This information and a list of outstanding travel for their respective Councils, was sent to Council Executive Directors on July 28, 1977.

- Council Input for Council Memorandum - On June 16, Director Schoning wrote to Council Executive Directors to outline respective NMFS' and Councils' responsibilities related to the preparation of the Council Memorandum. While several Councils have been responsive in supplying NMFS with a "monthly summary statement in brief 'bulletized' form by subject matter," in many instances, the Council report appearing in the Memorandum has been gleaned from sources other than direct input from Councils. NMFS believes that it is extremely important that Council information included in the Memorandum be reflective of the Council's point of view and perspective. Statements should be submitted to the Fisheries Management Operations Division, NMFS, F31, for receipt by the 5th day of the month following the month being covered in the upcoming issue of the Memorandum. These statements should be identified as "input for Council Memorandum." For Councils making no report, the Memorandum will be so reflective.

- Councils' Expenditures for FY 1977 - Councils are advised that over expenditures of their 1977 allocation might occur if the amount of NMFS pipeline obligations is not added to the level of spending of internal Council obligations. NMFS is providing the Councils with monthly reports on NMFS pipeline obligations which should assist Councils in their efforts to avoid overspending. It should be clear that the contributions of NMFS pipeline obligations must not exceed the total of the administrative and programmatic funds made available to the Councils. If guidance and assistance in this matter is needed, Dave Rand, NMFS Office of Program Planning, Budget, and Evaluation, Fx5, 202 - 634-7446, should be contacted.

COUNCIL REPORTS

New England Council

The Council held its regular monthly meeting on July 5 and 6, 1977, in Newport, Rhode Island.

- o The Scientific and Statistical Committee had a two-day meeting in Boothbay Harbor, Maine, at the Laboratory of the Maine Department of Marine Resources, to review Council inquiries on scallops and herring, and to review the role of the Committee.
- o The Executive Committee met on July 13 to consider the 1978 budget projections, 1978 Foreign Fee Schedules, 1978 surpluses for foreign fishing, and other Council business.
- o Two meetings of the Council's Herring Management Plan Oversight Committee were held on July 11 and July 22. The latter meeting included industry advisors for the purpose of reviewing the identification of various statistical reporting areas, significant spawning areas, and the recent catches in various areas.
- o The Council responded to requests for comments on proposed 1978 fee schedules, foreign fishing surpluses, and to proposals for the determination of criteria for the allocations of administrative and programmatic funds for the Councils.
- o The staff worked largely on the development of the herring FMP; re-negotiations of contract proposals for development of the whiting and scallop management plans; on budget projections through 1980; administrative business; on clearer, more precise definitions of certain critical management concepts; and on the proper roles of the Council, the Scientific and Statistical Committee, the Advisory Panel, and the staff.
- o Governor Thomson designated Frank Clarke as the principal State fishery official for New Hampshire on the Council.
- o Governor Garrahy designated William W. Harsch as the principal State fishery official for Rhode Island on the Council. John M. Cronan, Chief of the Division of Fish and Wildlife, is confirmed as Mr. Harsch's designee.
- o The Council sent to the Secretary of State specific recommendations for the U.S. policy for the negotiations of the maritime boundary with Canada.
- o Richard Wadleigh represented the Council at a special meeting in Washington, D.C., with the Japanese concerning the taking of billfish in the pelagic longline fishery.
- o Richard Buck, designee of Lee Wulff, represented the Council at a special meeting in Washington, D.C., with Canadians for management of Atlantic salmon on the high seas.

Mid-Atlantic Council

Highlights of Council meeting held in Norfolk, Virginia, July 13-15, 1977. The Scientific and Statistical Committee met in the same location on July 11 and 12.

- o Reviewed a redraft of the Surf Clam and Ocean Quahog Fishery Management Plan (based on comments received at public meetings and a hearing held in June) and adopted the Plan. Provisions of the Plan include quotas on surf clam and ocean quahog harvest, moratorium on new vessels entering the surf clam fishery, closure of surf clam beds to fishing based on clam size, and mandatory record keeping at both the harvesting and processing level. Council, upon completion by staff of details of the proposed moratorium and design of a recommended research and monitoring program as an adjunct, will transmit the FMP to the Secretary in late August after the next Council meeting (August 8-11, 1977, in Hershey, Pennsylvania).
- o The subject of bonding the staff was addressed, and the Council moved to approve bonding for the Executive Director and Secretary-Bookkeeper.
- o A schedule of plan development was reviewed and approved.
- o Executive Director John Bryson reviewed a budget prepared for FY 1978 and it was approved by the Council.
- o Commander Larry Swanson, Marine Ecosystems Analysis Program, NOAA, reviewed pollution problems in the New York Bight area and the Council discussed potential impacts on management. The Council passed a resolution on its concern over the effects of marine pollution on fishery resources in the Mid Atlantic region.
- o Councilmen Allen Haynie and William Pell reported on the meetings of the South Atlantic and New England Councils attended in July.
- o Five additional names were added to the advisory panel pool of experts with Council approval.
- o Council received reports from the Coast Guard and State Department. As of July 11, a total of 51 permitted foreign vessels were sighted fishing in the Conservation Zone. State reported that reallocation of 12,500 metric tons of squid to foreign nations had taken place.
- o Objectives for management of the mackerel fishery were discussed.
- o Council reviewed tentative contract proposals for the expenditure of FY 1977 programmatic funds and approved them in principle. Request for Proposals (RFP's) will be drafted by a subcommittee of the Council at the next meeting.

South Atlantic Council

The following is a summary of the highlights of the Council meeting held July 26-28, 1977, in Charleston, South Carolina. Summary prepared, with Council concurrence, by Council Coordinator Charles A. Oravetz, Southeast Regional Office, NMFS.

- o Chairman reported on the Japanese billfish negotiations and Council passed a resolution requesting Council participation in future negotiations and sent resolutions to the Secretaries (State Department and Commerce).
- o Executive Director reported that the Florida State Legislature is planning a meeting in Key West during November to determine methods of cooperation between Councils and the South Atlantic and Gulf States and how States will implement FMP's.
- o Council received a report on the recent Economic Workshops and was critical of the proposal from the meeting to establish an economic capability in NMFS with 90 economists and 10 million dollars. The Council also stressed an immediate need for NMFS to establish an economic capability.
- o Council was briefed on the rationale underlying the denial of the squid permit application from Taiwan and reiterated its position that preference be given to nations which utilize selective gear which has the least impact on non-surplus species.
- o Council has no plans to develop a squid FMP because of Squid Plan being developed by Mid-Atlantic Council as lead Council.
- o The State Department reported that the Cuba GIFA (Governing International Fishery Agreement) and permit application would be released for comment after the 60 day Congressional review period. The Mexico GIFA has not been signed due to minor changes being made in the technical wording. Interest in GIFA's has been expressed by Portugal and Venezuela.
- o Council recommended that NMFS and State Department begin negotiations with the Bahamas, and that spiny lobster and finfish be included in these negotiations.
- o Council is sending letters to the Secretaries of Commerce and Interior urging that certain species of turtles not be added to the endangered list and that some temporary incidental catches be allowed, provided turtles be returned to waters in prescribed fashion.
- o Council adopted the report of the Operations Committee which included a recommendation that news and information releases be issued. The Operations Committee will review the answers to questions raised during the Executive Directors Conference and report at the next meeting.
- o Council approved the FY 1978 budget of \$1,091,935.27 including \$400,000 programmatic funds.
- o Council established the goals and objectives of the Billfish FMP, identified members to chair the FMP meetings, and approved a meeting format outline developed by staff and NMFS.

- o Council passed a motion to include swordfish in the Billfish FMP, but to treat it as a separate segment of the Plan.
- o Council approved an agreement submitted by the Mackerel Steering Committee stating a mackerel plan would be developed jointly and limited to king and Spanish mackerel. The Gulf Council will have the lead role in plan development.
- o Council approved the outline for preparation of a fishery profile in the development of a snapper-grouper plan. Plan will be coordinated with the Gulf and Caribbean Councils. Thirty species are included in the plan. Profile will be completed in 4 months.
- o Council is contending the Florida boundary issue. The South Atlantic delegation will meet with the Gulf Council in an effort to resolve the boundary issue.
- o Future meetings are scheduled as follows:

| | |
|-----------------|---|
| August 23-25 | Savannah, Georgia |
| September 23-25 | Charleston, South Carolina |
| October 13-14 | Raleigh, North Carolina |
| November 15-17 | Tentatively scheduled for Orlando; to be a joint meeting with Gulf and Caribbean Councils |

Caribbean Council

The following is a summary of the highlights of the Council meeting held July 18-21, 1977, in San Juan, Puerto Rico. Summary prepared by Council Coordinator Charles A. Oravetz, Southeast Regional Office, NMFS.

- o The Council was notified that its procurement regulations and grant have been approved and it will be able to meet the August 1 target to begin independent operations.
- o The Council approved the selection of Dr. Arthur Dammann as chief scientist on the Council staff. He will be located in the Council office at St. Thomas, Virgin Islands. Dr. Dammann was given a one-year leave of absence from his Virgin Islands Government position to accept the Council appointment.
- o The Council authorized the Executive Director to proceed with the preparation of a position description and the employment of a second scientific/technical person on the Council staff to assist Dr. Dammann. The position may be located either in San Juan or in St. Thomas. This employee must have scientific skills to complement Dr. Dammann, such as fishery economics or sociology, and will be the seventh member of the Council staff.
- o Ms. Carmen Gonzalas has been hired as a secretarial/clerical employee for the Council staff in San Juan.

- o The Council decided to pay COLA (cost of living allowance) to Council members and to seek reimbursement of past unpaid COLA at the rate of 7½% for Puerto Rico and 5% for the Virgin Islands.
- o The Council deferred comments on the NMFS Director's memorandum of July 1 on Council funding for discussion at the August meeting.
- o The Council again considered the event schedule and had nothing to add to the comments made in June.
- o The Council and the Advisory Panel considered policy options on joint ventures. It was concluded that Caribbean fishery resources are too scarce to logically expect foreign vessels to be interested in seeking to buy fish from U.S. fishermen. It was noted that a possibility exists that Island processors may have an interest in buying fish brought into the U.S. FCZ by foreign factory ships.
- o It was recommended that no public hearings be held on joint ventures in the Caribbean.
- o The Council expressed great interest in the finfish fisheries of the Bahamas and recommended that negotiations proceed promptly to secure permits for U.S. fishermen. It was felt that these negotiations should not be delayed by attempts to encourage Bahamian negotiations for lobsters. A letter from the Council to the Secretary of State expressing the above views will be prepared by the Council staff.
- o The Council accepted a report from the Public Relations Committee which charges the Executive Director to embark on an active public information program. It will include a series of public workshops in fishing villages on P.L. 94-265 and Council activities. Professionally prepared slides will be used.
- o The Council recommended that NMFS and the U.S. Coast Guard establish a voluntary daily log-in and log-out system for U.S. fishermen entering B.V.I. waters under terms of the recently negotiated treaty. Vessel captains would be able to learn, by checking the log to be maintained by the Coast Guard, whether the limit of six U.S. vessels had been reached on any given day.
- o The Council will prepare wallet size identification cards for all Council members, designees, and staff.
- o The Council approved a progress report on the Spiny Lobster and Shallow Water Reef Fish Plans presented by Dr. Albert Jones, NMFS. A draft plan on lobsters, complete with an outline of management options for the Council to decide upon, will be presented at the September meeting.

- o Both the Virgin Islands and Puerto Rico Governments reported that they plan to have one secretary and one additional employee to assist in Council related "state" work using the \$25K grants from the Council. The Virgin Islands office will be collocated with the Council office in St. Thomas.
- o The Council agreed to cosponsor hearings on the Longline Billfish PMP with NMFS. The hearings are scheduled as follows:
 - August 15, 7:30 p.m., Game Fishing Club, Red Hook, St. Thomas, Virgin Islands
 - August 18, 7:30 p.m., Public Library, Christiansted, St. Croix, Virgin Islands
 - August 19, 7:30 p.m., Marine Science Auditorium, College of Agriculture, University of Puerto Rico, Mayaguez, Puerto Rico
 - August 26, 4:00 p.m., Club Nautico, San Juan, Puerto Rico
- o The next Council meeting will be held at Secret Harbor, St. Thomas, August 15-18, 1977..

Gulf of Mexico Council

Summary of Council meeting held August 2-4, 1977, in Tarpon Springs, Florida:

- o Council reviewed the NMFS Director's memorandum on policy for funding and is forwarding a response to the Director.
- o Council passed a motion not to include swordfish in the Billfish FMP.
- o Council recommended that NMFS and State Department pursue fishery negotiations with the Bahamas on finfish.
- o Council reviewed proposals from Florida Sea Grant, Louisiana State University, Mississippi-Alabama Sea Grant Commission, and Research Planning Corporation of Houston, Texas, to develop management plans for groundfish, shrimp, snapper-grouper, and mackerels. The proposals were referred to the respective management committees who will report at the next meeting.
- o Council commented on preliminary surpluses, optimum yield (OY) and domestic capacity of round herrings, mackerels, deep water shrimp, and squid. Council agreed with the revised NMFS estimates.

- o Council had no comment on NMFS fee schedule for 1978. Council will comment at next meeting of general aspects of fee schedule for future consideration.
- o Council reserved comment on joint venture issue until a proposed rulemaking is formulated, and input from hearings is obtained.
- o Council concurred with NMFS proposed changes in permit procedures.
- o Council endorsed and signed an agreement with the South Atlantic Council for the joint development of the mackerel plan with the Gulf Council assuming the administrative lead role.
- o Council adopted a revised SOPP (Statement of Organization, Practices, and Procedures).
- o Council appointed a committee to meet with a committee from the South Atlantic Council to formulate a position on the Florida boundary. Committee meeting is scheduled for Atlanta, Georgia, on August 15. Director, Southeast Region, NMFS, will participate as an ex-officio member.
- o Council appointed Bob Jones to represent Council at South Atlantic Council meeting.
- o Council identified additional management units--coastal herrings, sharks, spiny lobster, and coral. Council recommended that South Atlantic be considered as lead Council for calico scallops.
- o Council endorsed concept of joint meeting with South Atlantic Council to review future interactions on development of management plans.
- o The next meeting is scheduled for Dallas, Texas, on September 7-9, 1977, at the Ramada Inn Downtown.

Pacific Council

- o The Pacific Council, at its July 25-26th meeting in Boise, denied a proposal by the Makah Indian Tribe for a test ocean gillnet fishery for salmon off the coast of Washington. The Council cited "international obligations" and the fact that "sufficient scientific data already exists" as primary reasons for the denial. The Makahs have appealed the decision to the Secretary of Commerce.
- o Three public hearings on the west coast were held by the National Marine Fisheries Service and the Council on the concept of joint fisheries ventures. Written transcripts of the three hearings may be reviewed at the Northwest Regional Office of the National Marine Fisheries Service, or at Council headquarters.
- o The Council has agreed to the consolidation of its advisory panels into one, large advisory panel with subpanels on specific fishery management plans. This is in response to a request from the Secretary of Commerce, and is intended to reduce the paperwork associated with multiple advisory panels.
- o New Pacific Council members include Kahler Martinson, Regional Director, U.S. Fish & Wildlife Service, Portland, (replacing Bill Davoren, same agency); and Gordon Sandison, Director, Washington Department of Fisheries, Olympia (replacing Frank Haw, same agency).
- o Chairman John W. McKean will host the next meeting of the Regional Council Chairmen in Portland on September 14-15, 1977. Two representatives of each Council have been invited to attend.
- o The Council has approved a FY 1978 budget, as submitted by Council staff and amended by its Budget Subcommittee. The budget totals \$945,404, and includes \$645,404 for Council operations, \$100,000 for state administrative support (@\$25,000 per state), and \$200,000 for contract work to assist in the development of fishery management plans.
- o The Council has requested that the \$90,000 in operational funds "saved" from the FY 1977 budget be transferred into the current account for contractual funds to cover plan development costs (socio-economic studies) for salmon and groundfish.
- o The first draft of the Salmon FMP for 1978 is now being printed and is scheduled for Council review at its September 15-16 meeting in Portland.
- o The second draft of the Anchovy FMP for 1978 will be considered by the Council at its October 13-14 meeting in San Francisco.

- o The Council has appointed a subcommittee, chaired by Dr. John R. Donaldson, to work with the North Pacific Council on a "Vehicle" to improve coordination with Canada on management of transboundary stocks. Representatives of the North Pacific Council have been invited to meet with the Pacific Council on September 15, to discuss this topic.
- o Herman J. McDevitt and Lorry M. Nakatsu have been appointed as Council representatives to the INPFC negotiations in Seattle, Washington, August 9-10, 1977.
- o The Council expressed its concern about economic impact statements, the need for them, the applicability of the criteria, and who should prepare them. A subcommittee chaired by Dr. Crutchfield was appointed to study this matter further.
- o The Pacific Council has urged the National Marine Fisheries Service to convene a national meeting in the near future to review the draft fee schedule proposed for 1978.
- o The Council has adopted the following schedule of meetings:

No meeting currently scheduled in August 1977

| | |
|-----------------------|---------------|
| September 15-16, 1977 | Portland |
| October 13-14 | San Francisco |
| November 14-15 | Seattle |
| December 8-9 | Portland |
| | |
| January 12-13, 1978 | San Diego |
| February 9-10 | Seattle |
| March 9-10 | Sacramento |
| April 13-14 | Portland |
| May 11-12 | Idaho |
| June 8-9 | Eureka |
| July 13-14 | Monterey |

North Pacific Council

- o Council did not meet in July.
- o Printed and distributed draft management plans and draft environmental impact statements for the Alaska Tanner Crab Fishery and the Gulf of Alaska Groundfish Fishery.
- o The next Council meeting is scheduled for August 25-26, 1977, in Kodiak, Alaska.

Western Pacific Council

- o Chairman Wadsworth Y. H. Yee co-presided with Doyle E. Gates, NMFS Western Pacific Program Office, at a public hearing on foreign joint ventures at the State Capitol in Honolulu, July 21, 1977. Council members from Hawaii, Guam, and American Samoa and two spokesmen for the Northern Marianas participated. The predominant view expressed was that opportunities for joint ventures in the Western Pacific region should not be rigidly restricted, because of their potential help for the fishery development which the region needs.
- o Recommendations were forwarded through NMFS for amendment of the FCMA to extend United States jurisdiction to tuna fisheries in the FCZ, to provide for voting representation on the Council from the Northern Marianas at an appropriate time, to add action to identify and develop potential domestic fisheries to the Council functions specified in the FCMA, and to extend the scope of the Council's management plans to those portions of the FCZ around a number of minor United States possessions in the Pacific which are not covered by other statutory authorities.
- o Council member Peter S. Fithian and Scientific and Statistical Committee Deputy Chairman Richard S. Shomura participated in discussions of billfish problems with representatives of the Japanese Government and fishing industry at the Department of State in Washington, D.C., July 18-20, 1977.
- o The Chairman informed the Director of NMFS that the Council objects to preliminary estimates which indicate surpluses of groundfish available to foreign countries in the Midway Islands and Guam/Marianas areas for 1978 and wishes those areas to continue to be closed to foreign fishing until the resources are better evaluated.
- o The text of the GIFA (Governing International Fishery Agreement) with Japan was received from the Department of State and circulated to the Council.
- o The Council received from Advisory Panel member Colin Kurata a report on potential fishery support facilities of Midway Islands, based on observations made during the Council's reconnaissance flight and visit on June 27.
- o The Chairman sent preliminary comments to Director Schoning (NMFS) on his memorandum of July 1, 1977, on funding policies and asked for time for further consideration by the Council. A letter of Chairman Henry Lyman (New England Council) on the same subject was thought so apt that it was circulated to Council members.
- o The Council received a copy of a communication from NMFS to the State Department indicating that a permit to a 4,000 gross ton Japanese trawler in the central Pacific seamount fishery has been replaced with permits for three trawlers of unknown characteristics.

- o The Council's Scientific and Statistical Committee met at Honolulu on July 13 and 14. The Committee reviewed the progress of the five teams which are working on management plans and found that drafting of the FMP's for precious coral and spiny lobster fisheries is advanced to the point where formal meetings with advisers must be scheduled soon, providing Government approval of the Advisory Panel Charter can be secured. The Committee also developed a position on the part it should play in advising the Council regarding contract research projects. Committee members agreed on the desirability of occasionally scheduling their meetings at the same time and place as Council meetings, proposing the first joint meeting in October. The Committee also recommended asking the Council to hold a special meeting in the latter half of September, to consider the Spiny Lobster Fishery Management Plan.
- o The Council's next meeting, its sixth, will be held August 10-14, 1977, in Kailua, Island of Hawaii.
- o The fourth meeting of the Scientific and Statistical Committee will be held in Honolulu, September 14-15, 1977.

Meetings of Regional Fishery Management Councils

FBI:GJC:Jordan
August 8, 1977
202/634-7436

| Month | New England | Mid Atlantic | South Atlantic | Caribbean | Gulf of Mexico | Western Pacific | Pacific | North Pacific |
|-------------------|--------------------------------------|---|--------------------------------------|--|--|--|--|---|
| AUGUST 1977 | ● 8/2-3 Brunswick, ME Council | ● 8/8-11 Hershey, PA Council; SSC | ● 8/23-25 Savannah, GA Council | ● 8/16-18 St. Thomas, VI Council | ● 8/2-4 Tarpon Springs, FL Council | ● 8/10-14 Kailua, Kona, HI Council | ● 8/18-19 Seattle, WA SSC | ● 8/25-26 Kodlak, AK Council; SSC; AP |
| | ● 8/16 Woods Hole, MA SSC | | | | | | | |
| SEPTEMBER 1977 | ← 9/7-8 Peabody, MA Council | ← 9/12-15 Ocean City, MD Council; SSC | ▶ | ▶ | ← 9/7-9 Dallas, TX Council | ▶ 9/14-15 Honolulu, HI SSC | ▶ 9/15-16 Portland, OR Council | ← 9/21-24 Anchorage, AK Council; SSC; AP |
| | ● 9/20 Boston, MA SSC | | | | | | | |
| OCTOBER 1977 | ← 10/12-13 Peabody, MA Council | | | | | | ← 10/12-14 Burlingame, CA Council; SSC | ▶ 10/26-28 Anchorage, AK Council; SSC; AP |
| | ● 10/18 Woods Hole, MA SSC | | | | | | | |
| NOVEMBER 1977 | ← 11/9-10 Peabody, MA Council | | | | | | ← 11/13-15 Renton, WA Council; SSC | |
| | | | | | | | | ▶ 11/30 |
| DECEMBER 1977 | | | | | | | ← 12/7-9 Portland, OR Council; SSC | ▶ 12/1-2 Anchorage, AK Council; SSC; AP |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

SSC - Scientific and Statistical Committee
 AP - Advisory Panel
 ● - PUBLISHED IN THE FEDERAL REGISTER
 ◐ - Partially Closed Session
 ▶ - PENDING--Council referral to NMFS
 ◀ - PENDING--NMFS referral to Federal Register

(1)

For. Information Only

August 12, 1977

Ms. Sue Mason Gray
22 Rogerson Drive
Chapel Hill, North Carolina 27514

Dear Sue,

Thank you very much for your memorandum on the Seacoast Products case. I read it with interest and I think it will be of considerable value in clarifying the Council's understanding of the "Hanson Trust Case." If you have no objection I intend to distribute copies of your memorandum to the Council members and to our staff attorney, Kim White.

It was a pleasure meeting you and I appreciate your efforts and the clarity of your memorandum. I hope you maintain your interest and participation in the fisheries law field.

Sincerely,

Jim H. Branson
Executive Director

JHB:in

22 Rogerson Drive
Chapel Hill, North Carolina 27514
August 3, 1977

Mark I. Hutton
Assistant Executive Director
North Pacific Fishery Management Council
P. O. Box 3136
Anchorage, Alaska 99510

Dear Mark,

Attached is the memorandum which I have prepared on the relationship of the Seacoast Products case and the Fishery Conservation and Management Act.

I have enjoyed working on this project, and I hope that the work is satisfactory.

Yours truly,

Sue Mason Gray
Sue Mason Gray

Enclosure

MEMORANDUM

Does the United States Supreme Court Decision in Douglas v. Seacoast Products, Limit the Authority of the United States to Regulate Fishing by Foreign Vessels under the Fishery Conservation and Management Act of 1976?

Prepared for:

North Pacific Fishery Management Council

By:

Sue Mason Gray

MEMORANDUM

The staff of the North Pacific Fishery Management Council has requested a memorandum on the following question: Does the United States Supreme Court decision in Douglas v. Seacoast Products¹, limit the authority of the United States to regulate fishing by foreign vessels under the Fishery Conservation and Management Act of 1976?²

The two interrelated provisions of the Fishery Act which may appear to be called into question by the Seacoast Products decision are title II, section 201(a),³ and title II section 204(a).⁴ The net effect of these two provisions is to exclude foreign vessels from fishing within the 200-mile fishery conservation zone established by the Fishery Act,⁵ unless such foreign fishing is permitted under

-
1. U.S., 97 S.Ct. 1740 (1977) [hereinafter cited as Seacoast Products].
 2. Pub. L. No. 94-265, 90 Stat. 331 et seq.
 3. SEC. 201. FOREIGN FISHING.
 - (a) In General. After February 28, 1977, no foreign fishing is authorized within the fishery conservation zone, or for anadromous species or Continental Shelf fishery resources beyond the fishery conservation zone, unless such foreign fishing--
 - (1) is authorized under [existing or governing international fishery agreements];
 - (2) is not prohibited by [provisions on reciprocity]; and
 - (3) is conducted under, and in accordance with, a valid and applicable permit issued pursuant to section 204.
 4. SEC. 204. PERMITS FOR FOREIGN FISHING.
 - (a) In General. After February 28, 1977, no foreign fishing vessel shall engage in fishing within the fishery conservation zone, or for anadromous species or Continental Shelf fishery resources beyond such zone, unless such vessel has on board a valid permit issued under this section for such vessel.
 5. Title I, section 101.

international agreement⁶ and a permit has been issued by the United States authorizing the foreign vessel to fish within the fishery conservation zone.⁷ Seacoast Products does not invalidate these provisions.

The Seacoast Products case originated as a challenge to the validity of two Virginia statutes which govern fishing by non-residents and aliens in the state's territorial waters. Seacoast Products is a Delaware corporation which has its principal place of business in New Jersey and which is qualified to do business in Virginia.⁸ All of Seacoast's directors, officers, boat captains and crews and over 95 percent of its plant employees are United States citizens.⁹ However, the company is owned by Hanson Trust Limited, a United Kingdom company. Almost all the owners of Hanson Trust stock are aliens.

In recent years, until 1975, Seacoast had fished for menhaden in the waters outside Chesapeake Bay, under the provisions of section 28.1-60 of the Virginia Code, which governs menhaden fishing by non-residents of Virginia.¹⁰

6. Title II, section 201(a) (1) and (2), (b), (c) and (f).

7. Title II, section 201(a) (3) and section 204.

8. 97 S.Ct. at 1744.

9. Id.

10. See Appendix I.

In 1975, however, the Virginia Commission of Marine Resources refused to license Seacoast, relying on newly-adopted section 28.1-81.1 of the Virginia Code, which prohibits the issuance of commercial fishing licenses to aliens.¹¹ Seacoast then filed suit to have both sections of the statute declared unconstitutional.

The United States District Court invalidated both statutes on constitutional grounds. The court found first that the citizenship requirement of section 28.1-81.1 was pre-empted by the Bartlett Act¹² and secondly that the residency restriction of section 28.1-60 violated the equal protection clause of the fourteenth amendment to the United States Constitution.¹³

The United States Supreme Court affirmed the result reached by the district court.¹⁴ However, while the district court had based its decision on constitutional grounds, the Supreme Court reached the same result on

-
11. See Appendix II.
 12. 16 U.S.C. 1081 et seq. The Court noted that, although fishery regulation is a field traditionally occupied by the states, federal legislation supersedes state legislation when that was the clearly intended purpose of Congress. See 97 S.Ct. at 1745. The general principles of pre-emption have been discussed by the Court most recently in Jones v. Rath Packing Co., ___ U.S. ___, 97 S.Ct. 1305 (1977).
 13. The fourteenth amendment provides that a state may not "deny to any person within its jurisdiction the equal protection of the laws." While the amendment generally requires like treatment for all people who are similarly situated, it does not preclude discrimination if it is based on some reasonable ground. For a brief general discussion, see Wunnicke, The Legal Framework Governing Alaska Fisheries in Alaska Fisheries Policy 219 at 258-59 (A. Tussing, T. Morehouse and J. Babb, edd. 1972).
 14. Seacoast Products, 97 S.Ct. at 1753.

15
statutory grounds, holding that the challenged Virginia statutes were pre-empted by federal statutes governing the enrollment and licensing of fishing vessels.

The fishing vessels owned by Seacoast were enrolled and licensed United States flag ships. ¹⁶ "Enrollment" is a procedure under the Enrollment and Licensing Act of February 18, 1793, ¹⁷ whereby vessels engaged in domestic trade are enrolled, for the purpose of evidencing the national character of a vessel and for the purpose of enabling the vessel to obtain a license. ¹⁸ "Licensing" is a procedure under that same act, but the purpose of licensing is to regulate the use of the vessel. In this case, the Seacoast vessels held licenses for the "mackeral

-
15. Id. at 1745. It is the practice of the Supreme Court to avoid unnecessary constitutional adjudications. The Court observed this practice in Seacoast Products and also in Massachusetts v. Westcott, ___ U.S. ___, 97 S.Ct. 1755 (1977), which was decided the same day as Seacoast Products. Westcott involved a challenge to a Massachusetts statute which limited the fishing rights of non-residents. The Massachusetts Supreme Judicial Court had invalidated the statute on constitutional grounds, holding that it violated the privileges and immunities clause of the United States Constitution, article IV, section 3, clause 2. The Supreme Court remanded the case to the Massachusetts court with instructions to reconsider the case in light of the statutory basis of the Seacoast Products decision.
16. Id. at 1744. When Seacoast was purchased by Hanson Trust, the transfer of their vessels to a foreign corporation had been approved by the Department of Commerce, and the vessels had been re-enrolled and relicensed in accord with 46 U.S.C. 251, 252 and 263.
17. 46 U.S.C. c. 12 (§§ 251-350).
18. Seacoast Products, 97 S.Ct. at 1745. "Enrollment" is the domestic counterpart of "registration". Vessels engaged in foreign trade are registered under the Act of December 31, 1792, 46 U.S.C. c. 2 (§§ 11 - 84), for the purpose of declaring the nationality of the vessel.

fishery",¹⁹ which entitled them to catch "cod or fish of
any other description whatever."²⁰

The Enrollment and Licensing Act provides that only vessels which are properly enrolled and licensed "shall be deemed vessels of the United States entitled to the privileges of vessels employed in the coasting trade or fisheries,"²¹ but the Act does permit a corporation with alien stockholders to enroll ships under certain conditions. If the president or chief executive officer and the chairman of the board are American citizens, if no more of its directors than a minority of the number necessary to constitute a quorum are non-citizens, and if the corporation is chartered under the laws of the United States or of any state, then vessels owned by that corporation may be enrolled.²²

After a detailed analysis of the intent of Congress in passing the Enrollment and Licensing Act and of the power under which Congress passed that act, the Court found that the grant to Seacoast of a federal license was a grant of

19. Seacoast Products, 97 S.Ct. at 1746.

20. Act of April 20, 1836, c. 55, 5 Stat. 16: 46 U.S.C. 325.

21. 46 U.S.C. 251.

22. Seacoast Products, 97 S.Ct. at 1746.

the right to fish in Virginia waters "on the same terms as Virginia residents." ²³ By excluding non-residents of Virginia from fishing in Virginia waters, even if they are federally licensed to fish, the Virginia statutes conflict directly with earlier holdings of the Court and the intent of Congress. The Court held in Florida Lime & Avocado Growers, Inc. v. Paul ²⁴ that "no state may exclude federally licensed commerce," so, under the Supremacy Clause ²⁵ of the United States Constitution, the Virginia statutes must give way to the federal licensing law:

-
23. Seacoast Products, 97 S.Ct. at 1749. In reaching this result, the Court relied primarily on the case of Gibbons v. Ogden, 22 U.S. (9 Wheat.) 1 (1824). Gibbons invalidated a New York law which purported to grant to Robert Livingston and Robert Fulton an exclusive license to operate steamboats in New York waters. A New Jersey ship, which was federally licensed to carry on the coasting trade, challenged the New York law, and the Court invalidated the New York law on the grounds that it was pre-empted by the federal licensing law:

[T]his court is of the opinion that the several licenses to the steamboats . . . to carry on the coasting trade . . . which were granted under an act of Congress passed in pursuance of the constitution of the United States, gave full authority to those vessels to navigate the waters of the United States, by steam or otherwise, for the purpose of carrying on the coasting trade, any law of the State of New York to the contrary notwithstanding. Gibbons, 9. Wheat at 239.

24. 373 U.S. 132, 142 (1963).
25. Article VI. In pertinent part this article provides:

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding.

Insofar as these state laws subject federally licensed vessels owned by nonresidents or aliens to restrictions different from those applicable to Virginia residents and American citizens, they must fall under the Supremacy Clause.²⁶

The decision in Seacoast Products relates to the power of a state to regulate the activities of a ship which is owned by a non-resident of that state but which is licensed by the United States government to fish. The case decides merely that, when the United States government licenses a ship to fish, a state government cannot deny it that right--except on the same basis as it denies that right to any other fishing vessel.²⁷

The Seacoast Products decision then does not relate to the fact situation intended to be regulated by the Fishery Act. The prohibitions on foreign fishing contained in title II, section 201 and 204 of the Fishery Act apply only to vessels which are not registered or enrolled under the laws of the United States. The Definitions section²⁸ of the Fishery Act makes this clear. While title II, section 201 and 204, prohibit "foreign fishing" except under limited circumstances, subsection (12) under Definitions defines "foreign fishing" to mean "fishing by a vessel other

26. Seacoast Products, 97 S.Ct. at 1753.

27. The Court mentions particularly that "reasonable and evenhanded conservation measures" would justify restrictions on non-resident fishing. Seacoast Products, 97 S.Ct. at 1753.

28. 16 U.S.C. 1802.

than a vessel of the United States." Subsection (25), in turn, defines "vessel of the United States" to mean "any vessel documented under the laws of the United States or registered under the laws of any State." The Fishery Act then is not intended to apply to vessels such as those owned by Seacoast Products, for, although Seacoast, the owner of the fishing vessels, is a predominantly foreign-owned corporation, its fishing vessels are enrolled and licensed to fish by the federal government. Because they are "documented under the laws of the United States", they are therefore not the type of "foreign vessels" which are excluded by the Fishery Act.

Another reason that Seacoast Products is not applicable to the Fishery Act is that Seacoast Products is concerned solely with the power of a state to exclude fishing vessels from its territorial waters. Seacoast Products decided that, when the federal government had licensed a vessel to fish, a state did not have the power to deny that vessel the right to fish solely on the basis of non-residency. The reason the state does not have that power is that, under the Supremacy Clause,²⁹ the federal law on the subject takes precedent over the state law. The Fishery Act, however, is a federal law, not a state law. The Fishery Act, therefore, could not be pre-empted by the Enrollment and Licensing Act, which is also a federal law, even if they were in conflict with each other.

29. Article VI, United States Constitution. See note 25, supra.

Through the Fishery Act, the federal government purports to exclude from fishing in United States waters only those vessels which are not documented by the United States or a state³⁰ and which have not been issued a permit under the Fishery Act.³¹ The Seacoast Products case, on the other hand, involves a state government which attempted to exclude from fishing in state waters vessels which had been licensed by the federal government to carry on such fishing. Seacoast Products relates only to the power of a state to limit fishing by federally licensed vessels. It does not limit the power of the federal government to prohibit foreign fishing.

30. See pp. 7 - 8, supra, text following note 28.

31. Title II, section 204.

APPENDIX I

Section 28.1-60 of the Virginia Code

§ 28.1-60. Nonresidents generally. — (1) *Catching fish for oil or guano prohibited.* — No nonresident of this State shall take or catch any fish, in the waters of the Commonwealth, or in the waters under its joint jurisdiction, for the purpose of converting the same into oil, fish scrap, fish meal or guano, except as hereinafter provided; nor shall any nonresident be concerned or interested with any resident as partner or otherwise, except as a stockholder in a domestic corporation, in taking or catching fish in any of the waters of this State to be manufactured into oil, fish scrap, fish meal or guano, or in such manufacture, except as hereinafter provided.

(2) *Resident not to be interested.* — Nor shall any resident of this State be concerned or interested with any nonresident as partner or otherwise, except as stockholder in a domestic corporation, in taking or catching fish in any of the waters of this State to be manufactured into oil, fish scrap, fish meal or guano, or in such manufacture, except as hereinafter provided, or knowingly permit any nonresident to use his name for either purpose.

(3) *License for taking menhaden fish.* — A nonresident person, firm or corporation may take or catch the fish known as "menhaden," within the three-mile limit on the seacoast of Virginia and east of a straight line drawn from Cape Charles Lighthouse to Cape Henry Lighthouse for the purpose of converting the same into oil, fish scrap, fish meal or guano between the third Monday of May and the third Friday of November, inclusive, of each year; provided such person, firm or corporation has applied for and obtained license to take and catch such fish within the above-defined area and in accordance with the following requirements.

. . . .

APPENDIX II

Section 28.1-81.1 of the Virginia Code

§ 28.1-81.1. Licenses for taking of fish restricted to United States citizens.

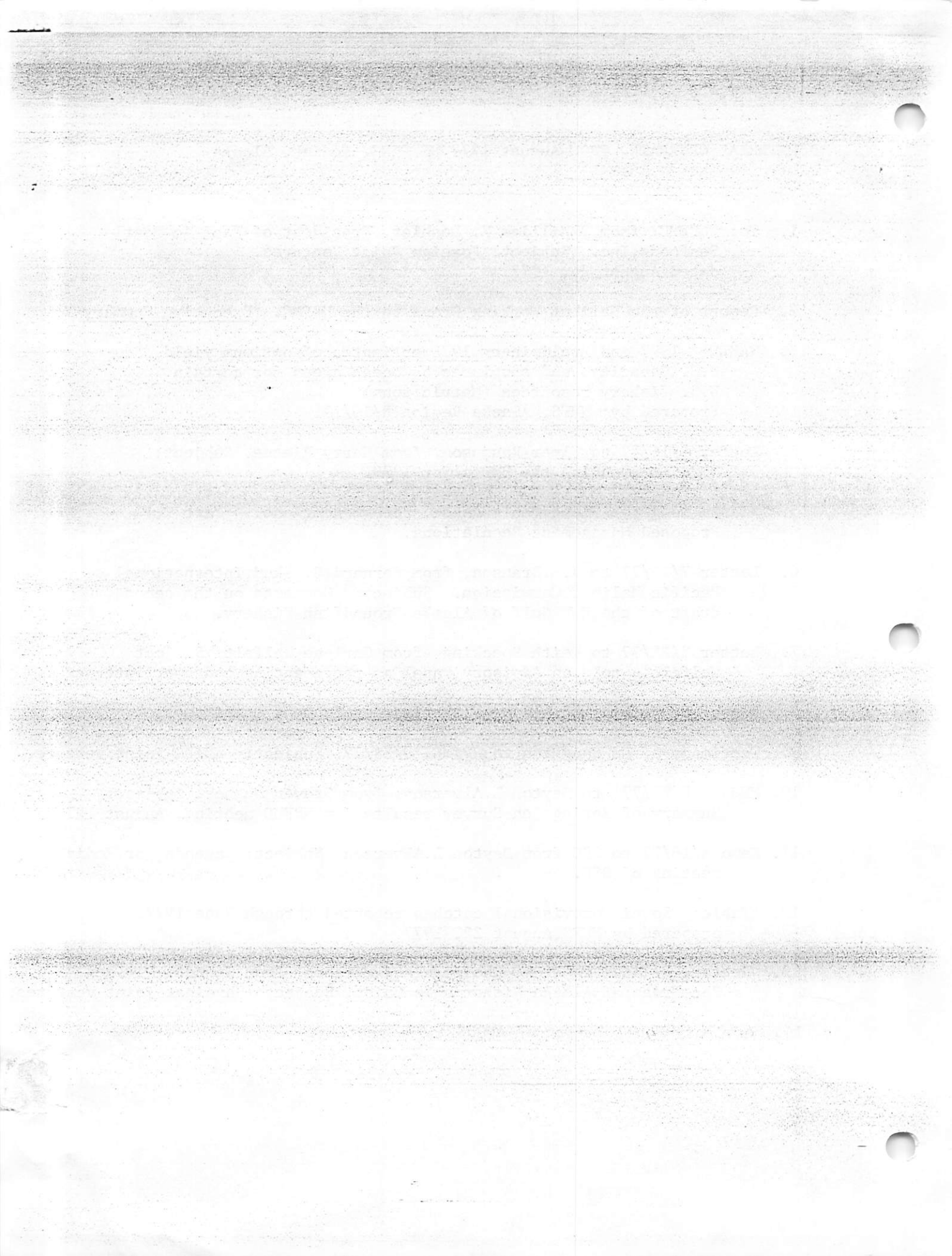
— (a) No commercial license for the taking of food fish or fish for the manufacture into fish meal, fish oil, fish scrap or other purpose shall be granted to any person not a citizen of the United States, nor to any firm, partnership, or association unless each participant therein shall be a citizen of the United States, nor to any corporation unless the same be a citizen of the United States as hereinafter defined. This requirement shall be in addition to, and not in lieu of, any other requisite to the issuance of a license imposed by this chapter or any other provision of the Code of Virginia as amended from time to time.

(b) Within the meaning of this section, no corporation shall be deemed a citizen of the United States unless seventy-five per centum of the interest therein shall be owned by citizens of the United States and unless its president or other chief executive officer and the chairman of its board of directors are citizens of the United States and unless no more of its directors than a minority of the number necessary to constitute a quorum are noncitizens and the corporation is organized under the laws of the United States or of a state, territory, district, or possession thereof.

(c) Seventy-five per centum of the interest in a corporation shall not be deemed to be owned by citizens of the United States (i) if the title to seventy-five per centum of its stock is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or (ii) if seventy-five per centum of the voting power in such corporation is not vested in citizens of the United States; or (iii) if, through any contract or understanding, it is so arranged that more than twenty-five per centum of the voting power in such corporation may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or (iv) if by any other means whatsoever control of any interest in the corporation in excess of twenty-five per centum is conferred upon or permitted to be exercised by any person who is not a citizen of the United States. (1975, c. 338.)

MATERIAL GENERATED FROM August 1977 MEETING, Kodiak, Alaska

1. To: NPFMC; from BBWilliam K. Deshler, President of Pacific Pearl Seafoods, Inc. Subject: Foreign Joint Ventures. dated August 24, 1977.
2. Report of the Halibut Working Group to the NPFMC. Executive Summary
3. TABLE: 1977 and preliminary 1978 estimates of optimum yield U.S. Capacity, and surpluses by ocean areas for certain U.S. fishery resources (Metric tons)
Prepared by: NMFS, Alaska Region 8/16/77.
4. Letter 8/16/77 to Elmer Rasmuson, from Harry Rietze. Subject: NMFS is amending the PMP's for 1978.
5. Alaska Longline Fishermen's Assoc. recommendations.: Part V, Proposed Management Regulations.
6. Letter 7/29/77 to J.H.Branson, from Bernard E. Skud, International Pacific Halibut Commission. Subject: Comments on the second draft of the FMP Gulf of Alaska Groundfish Fishery.
7. Letter 8/22/77 to Keith Specking, from Carlene Welfelt: Subject Welfelt's role on Advisory Panel as representing consumer interests.
8. Report of meeting of Alaska Fisheries Development Committee.
9. Testimony of Ed Naughton to NPFMC, 8/24/77. Subject: KMIDC joint venture.
10. MEMO: 8/22/77 to Dayton L. Alverson, from Steven Hughes. Subject: Summary of Bering Sea Survey results for NPFMC meeting, August 1977.
11. Memo 8/16/77 to SSC from Dayton L. Alverson. Subject: agenda for Kodiak meeting of SSC.
12. Table: Soveit provisional catches reported through June 1977. prepared by NMFS, August 22, 1977.
13. Letter, 8/24/77 to NPFMC Chairman and members, from Kenneth O. Olsen, Sec-Treas of Alaska Fishermen's Union. Subject: against joint ventures.
14. Advisory Panel Report of AUGUST 1977 meeting.



PRESENTATION TO: North Pacific Regional Council
BY: William K. Deshler, President
Pacific Pearl Seafoods
SUBJECT: Foreign Joint Ventures
DATE: August 24, 1977

I am Bill Deshler, President of Pacific Pearl Seafoods, a wholly-owned subsidiary of Amfac, Inc. We own and operate seven seafood processing plants in the State of Alaska and a reprocessing plant in Bellingham, Washington.

Pacific Pearl is strongly opposed to foreign processing vessels purchasing fish caught within the 200-mile limit. We respectfully recommend that all applications for such permits be denied. I recently wrote a letter to Governor Hammond expressing our concern. In part, that letter read:

"Dear Governor Hammond:

I am writing you because of a very genuine concern I have with regard to the future of our business in the State of Alaska. As you may be aware, Pacific Pearl acquired Wakefield Seafoods on July 1, 1976. We took this action because of our desire to significantly expand an already substantial commitment to the Alaskan seafood industry. The histories of the Pacific Pearl and Wakefield operations are essentially similar: Wakefield pioneered the Alaskan frozen crab business, while Pacific Pearl pioneered automatic shrimp peeling and processing of canned crab in the state. In order to successfully accomplish these missions, each of these companies had to make major commitments to the communities in which they operated, fishermen and employees. These initial efforts were successful -- due in large part to the cooperation of many Alaskans. Consequently, the first Alaskan crab processing facility and one small shrimp cannery have grown to seven Alaskan plants.

Our strategy in acquiring and building new facilities emphasizes shore-based plants, located in the major raw product resource areas of the state, which can be largely supported by local resident employees and businesses. In some instances (such as Sand Point), we are not only the community's major employer, but also the electric utility, city dock, fuel distributor, and until recently, the water utility. For your reference, we now operate the following facilities, which incidently are 100% domestically owned:

| | |
|-----------|--|
| Seldovia: | 55 resident employees 40-60 resident fishermen |
| Kodiak: | 175 resident employees 100-200 resident fishermen |

North Pacific Regional Presentation

William K. Deshler

August 24, 1977

Page 2

| | |
|-----------------------------|---|
| Sand Point: | 100 resident employees 100 resident fishermen |
| Dutch Harbor: (2 plants) | 100 resident employees 50-100 resident fishermen |
| Akutan: | 25-50 resident employees 10 resident fishermen |

Just as many Alaskans are dependent on us for their livelihood, we are dependent on them for our continued success. As the crab and shrimp seasons have become increasingly compressed in recent years, many of our employees, as well as the company's management, have been concerned about how the resulting voids would be filled. When the Fisheries Conservation and Management Act of 1976 became law, we felt the answer lay in expanding our processing efforts to include species previously harvested and processed by foreign fleets and motherships. We were so committed to this idea, that the two new plants we have constructed during the last two years were specifically designed and built with this in mind.

I was glad to read the "Alaska Fisheries Council Statement of Policy" dated March 8, 1977, and approved by you wherein as a matter of public policy your office opined that, 'First preference for the catching, processing, and marketing of fisheries resources within the FCZ should go to Alaskan and other United States citizens and firms.'

I am firmly convinced that granting a foreign operation (such as KMIDC, Sovrybflot and others) permission to process North Pacific bottomfish is a very, very serious mistake - philosophically, strategically, and economically. For example, to grant the KMIDC request would effectively establish a monopoly. Moreover, this single firm would be exempt from all of the laws and regulations on which we rely to control monopolies and oligopolies in our economic system (such as federal and state antitrust and pricefixing statutes). Strategically and economically, it would not be possible to entice a domestic processing firm to even attempt to compete in this environment. The economical return to domestic processors, employees, merchants, and bankers, consumers, and local and state governments is in this situation nil. American fishermen may benefit marginally from such an operation in its early stages. But I can assure you that once fishermen have made substantial investments in vessels and gear to harvest these species, the screws will begin to tighten and these individuals will be forced to either fish for subsistence prices and meet their mortgage payments, or have their business foreclosed. Competition is a powerful economic force - generating efficiency, technological improvements, and financial rewards better and more effectively than any other concept yet devised.

Gentlemen, I urge you to help create an environment which will allow domestic operations (both fishermen and processors) to develop the North Pacific bottomfish industry. Give us a climate for two or three years - that will, at the end of this period, allow us to compete on equal footing with foreign operations. I am confident both the fishing and processing segments of the industry will not only meet this challenge, but that in the end, we will be more efficient and effective than our foreign counterparts.

Actions speak louder than words. I would like to spend a few moments explaining what Pacific Pearl has done, is doing, and intends to do in developing this business:

1. We recently completed construction of an 80,000 square foot processing plant here in Kodiak. To process our traditional products - i.e. crab and shrimp - only 25-30,000 square feet are required. The additional floor space, refrigeration capacity, etc. was specifically incorporated in the original design and construction to facilitate a large scale bottomfish operation. We are currently building a new plant at Dutch Harbor, whose floor space is twice as great as that required for the crab lines. Again, this was done to accommodate a bottomfish operation. I think it is important to note two things regarding these facilities:
 - a. The additional floor space and refrigeration capacity in these plants represents a very sizeable investment in, and commitment to the Alaskan bottomfish industry.
 - b. We would not have invested these additional sums at this point if we did not anticipate utilizing the resulting facilities in the fairly near term.
2. We have had a formal project team investigating the market situation and processing technologies associated with North Pacific Bottomfish for over two years.
3. We have purchased, are actively soliciting, and have a standing offer to buy bled, gutted, head-on cod at both our Sand Point and Kodiak locations for 15½¢ per pound.
4. We have offered to take delivery of 10,000 pounds of Pollack at 10¢ per pound in Kodiak in order to conduct processing and marketing studies of this species.
5. We have expended money to finance fishing gear for local fishermen. This gear is specifically designed

for use in harvesting bottomfish.

6. We went to Sealand and successfully petitioned for a lower rate to transport bottomfish in order to facilitate development of this business.
7. We intend to begin installing bottomfish processing equipment at our main plant in Kodiak next year. We have already designed several line configurations for the facility and are actively pursuing this project.

Frankly, we are very concerned about several factors which relate to domestic development of the North Pacific bottomfish industry:

1. I have already addressed our concern with regard to foreign operations in the industry.
2. Both Japan and Korea have established import bans on Alaskan Pollack. This may or may not hinder market development for this product.
3. We are not certain that a fishing fleet and effort would be available to support the processing operations we envision.
4. Most importantly, we recognize that we have a lot to learn about the fishing, processing and marketing of North Pacific bottomfish. This being the case, it would be a grave mistake to bite off more than we could chew. Such a circumstance would seriously hamper the otherwise bright future of this business. I think it is vitally important that all segments of the industry learn to walk before attempting to run. For our part, we intend to continue to move forward as fast as practicable - at a good, stiff measured pace.

In conclusion, Pacific Pearl is strongly opposed to foreign operations in North Pacific Bottomfish. We have already made a multi-million dollar committment to this bottomfish industry and, given a proper business climate, will continue to invest and will see it through. Responsibility is the key to this development. My confidence that we can successfully accomplish this task is based on an excellent track record by the people who really determine the success or failure of such efforts. Our eight plant managers represent 154 years of experience in the Alaskan Seafood Industry. Several of these individuals are the same ones who encouraged Ivar Wendt and Lowell Wakefield to develop the Tanner crab industry. There is no substitute for experienced, responsible, managers in local areas, who have a genuine, deep-seated concern for their community, their employees, suppliers and fishermen. In my mind, this ingredient is critical to the responsible development of

North Pacific Regional Council Presentation
William K. Deshler
August 24, 1977
Page 5

this business. I encourage you to check our record as a citizen in the Seafood industry and the communities in which we operate - check with local merchants, fishermen, Sealand, our customers. I would welcome the opportunity of discussing some of our plans and ideas in greater detail with any of the Council Members at our main plant here in Kodiak.

2,

REPORT OF THE HALIBUT WORKING GROUP
TO THE
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

EXECUTIVE SUMMARY

The Halibut Working Group was established by the North Pacific Fishery Management Council on recommendation of its Chairman on March 22, 1977 and was instructed to examine the various options of managing the halibut fishery. Membership in the group consisted of Lee Alverson, Gordon Jensen, Harold Lokken, Steve Pennoyer, and Bernard Skud. Ed Huizer, Don McKernan, Chuck Meacham and Al Pruter participated at times also. Harold Lokken was designated as Chairman.

Five meetings of the Group were held as follows:

Seattle, Washington, April 15, 1977
Seattle, Washington, May 11, 1977
Anchorage, Alaska, July 12, 1977
Seattle, Washington, August 4, 1977
Seattle, Washington, August 16, 1977

The Seattle meetings were held at the Northwest and Alaska Fisheries Center while the Anchorage meeting was held at the office of the North Pacific Fishery Management Council.

The main body of the report includes detailed material on the life history of halibut, its fishery and management, a discussion of alternative management institutions and allocation schemes, and a summary of other Canadian and United States fishery issues.

LIFE HISTORY

Pacific halibut are found around the north rim of the Pacific from northern California to Hokkaido, Japan. Male halibut mature at 7 to 8 years of age, while

females mature at an average age of 12. Mature halibut migrate many hundreds of miles to spawn and after spawning return to their feeding grounds. Mature halibut concentrate on spawning grounds at depths from 100-250 fathoms. Spawning occurs annually. Major spawning sites where halibut have been densely concentrated include Cape St. James, Frederick Island and North Island in British Columbia and Yakutat, "W" grounds, and Portlock Bank in Alaska. In the Gulf of Alaska area after spawning, eggs and larvae and post-larvae are transported many hundreds of miles by the Alaskan Stream which flows counterclockwise in the Gulf of the Alaska Peninsula, the Aleutians, and into the Bering Sea. In the British Columbia area, drift bottle experiments suggest that the eggs and larvae and post-larvae are carried both north from the Queen Charlotte Sound area into Alaska and to waters south of Cape Flattery. Spawning is more extensive in the Gulf of Alaska area than in the waters of British Columbia. The relative importance of spawning off Canada and off the United States to the maintenance of the total halibut resource or to those segments of the resource in either countries' fishing zone cannot be determined from the data presently available.

COMMERCIAL FISHERY

The commercial fishery for halibut began off Cape Flattery, Washington in 1888. The fishery expanded north and west and by 1920 extended as far as Unimak Pass, Alaska. At first, large vessels were employed but, in the last 20 or 30 years, many small vessels gradually entered the fishery. In 1975, over 3,000 small one- and two-man boats were employed for some part of the season. However, their catches consisted of less than 20% of the total caught by all vessels. Gear used was primarily longlines set on the bottom but halibut also are taken by trollers towing lures from a moving boat. Both U.S. and Canadian vessels participated in the fishery since its beginning.

The overall commercial halibut catch from its beginning in 1888 rose to a high of around 69 million pounds in 1915, then declined to a low of 43 million pounds in 1931. A 3-month closed season was established in 1924, when the International Pacific Halibut Commission (IPHC) was assigned the responsibility of managing the halibut fishery for the U.S. and Canada. Management areas were established in 1932 with quotas in each totalling 46 million pounds overall. The catch was then built up following the application of rigid conservation restrictions to a high of 75 million pounds in 1962. Stock abundance began declining in the late 1950's and, with the advent of large scale foreign trawling in the 1960's, the abundance declined drastically. Catch quotas were severely reduced in the 1970's and the catch reached a low of 21 million pounds in 1974. The figures given include setline catches only. Incidental catches by foreign trawlers peaked at about 16 million pounds (round weight) in the Bering Sea in 1971 but have fallen off since then. In the Gulf of Alaska and south, the incidental catch by foreign and domestic trawlers averaged about 9 million pounds annually during the early 1970's.

Since 1926, Canada has taken 36% of the halibut catch and the U.S. has taken 64%. The U.S. catch off British Columbia since 1930 has been as high as 8 million pounds but has been less than 1 million since 1967 and less than 500,000 pounds since 1971. The Canadian catch off Alaska peaked during the 1960's and was as high as 24 million pounds but has been less than 5 million since 1974.

STOCK COMPONENTS AND TRANSBOUNDARY MOVEMENTS

Although adult halibut tagged and recovered in the summer may migrate long distances, most are recovered in the general vicinity in which they were tagged. Migrants from the Bering Sea and western Alaska generally move to the south and

east, the longest migration was 2,000 miles from the Aleutian Islands to Coos Bay, Oregon. Apparently, the southeasterly movement is compensatory or reciprocal to the northerly and westward drift of halibut eggs and larvae. In summer experiments, the percentage of recoveries from halibut tagged in Alaska and recovered in British Columbia generally is less than 10%, suggesting that transboundary movements are limited. In contrast, tagging results from winter experiments and experiments with juvenile halibut show that movements are more extensive than in the summer and that transboundary migrations in excess of 30% are not unusual. In accordance with Public Law 94-265, the intermingling of stock components is a factor that must be considered by the Council in arriving at decisions regarding the management of halibut.

CONTEMPORARY MANAGEMENT PROCESS

The Halibut Commission was established by Canadian-U.S. treaty and regulations imposed on the fishery in 1924. There are now three Canadian and three American Commissioners and a staff of 22 persons. During the summer, the staff is augmented by 16 temporary employees. Expenses of the Commission are borne equally by the two countries, each contribute approximately \$400,000 at the present time. Contact with the industry is maintained through a Conference Board consisting of representatives of both fishermen and vessel owners in most ports where the halibut fishery is important. The Commission meets with the Conference Board during its annual meeting when the Commission takes final action on recommendations to the two governments for halibut regulations for the ensuing year. Regulatory decisions are made in the presence of an Advisory Group of Conference Board members and processors.

The Treaty specifies that the halibut stocks should be developed and maintained to allow the maximum sustained yield. The Halibut Commission is authorized

to (a) divide the Convention waters into areas, (b) establish one or more open or closed seasons as to each area, (c) at any time regulate incidental catches of halibut by anyone, (d) prohibit departure of vessels for halibut fishing, (e) regulate fishing appliances, (f) provide for licensing of vessels for statistical purposes, and (g) close areas where concentrations of immature halibut occur. The Commission has no enforcement authority. This is vested in the two governments. The results of conservation measures in the halibut fishery are slow to appear, primarily because most halibut are not recruited to the setline fishery until they are 8 years or older.

Under the existing Treaty, IPHC has jurisdiction over the Canadian and United States setline fishery for halibut and can prohibit retention of incidentally-caught halibut in other Canadian and U.S. fisheries, but has no jurisdiction over foreign fisheries and cannot control practices in the domestic fishery to reduce the incidental catch of halibut. Conservation measures to protect halibut have been instituted through Canadian and United States Government negotiations in INPFC and in bilateral arrangements with Japan and the U.S.S.R. With the advent of extended fisheries jurisdiction, Canada and the U.S. now have control of both foreign and domestic trawl fisheries off their coasts.

Expanding domestic trawl fisheries could further impact the halibut resource if not regulated to minimize incidental harvests of juvenile halibut. In the U.S., Council management plans will dictate the direction of this development and, therefore, will have an effect on the future of the halibut resource.

ALTERNATIVE MANAGEMENT INSTITUTIONS

The following options appear to be the most realistic of those discussed by the Working Group:

A. Retain IPHC with Modifications:

1. U.S. Commissioners on IPHC to be appointed from membership of Pacific Council and/or North Pacific Council.
2. Area of jurisdiction could be modified.
3. Duration of IPHC could be limited subject to possible renewal.
4. Canadian participation in United States zone could be phased out in a period of time. U.S. fishing in Canadian zone would be subject to a similar phase-out.
5. Other than having membership on IPHC, the North Pacific Council would have input into halibut management through modification of U.S. enabling legislation to require consideration of the Council's views before the Secretary of State or the Secretary of Commerce approved the recommendations of IPHC.
6. Enforcement should be by the host country in its own economic zone.

B. Abolish IPHC:

1. Research and management of halibut (R and M) by U.S. Government, State of Alaska and/or the North Pacific Council.
2. Organize a Pacific Canadian-United States fisheries commission to have some measure of jurisdiction over specified transboundary stocks. This jurisdiction could either be management or consultative.
3. Canadian participation in the halibut fishery in the U.S. zone could be subject to a time phase-out.
4. If IPHC is abolished, research functions should be maintained to make use of research in progress.

Various alternative allocation schemes can be used either with or without retention of IPHC. It seems less likely that IPHC would be abolished if free access is adopted and less likely it would be retained under a system of no access.

OTHER CANADIAN-U.S. FISHERIES ISSUES

Other fisheries in which Canada and the U.S. interact probably will be considered in any U.S.-Canadian agreement on halibut. These fisheries generally fall into four categories: (a) U.S. fisheries in the Canadian zone; (b) Canadian fisheries in the U.S. zone; (c) U.S. interception of Canadian stocks in the U.S. zone;

and (d) Canadian interception of U.S. stocks in the Canadian zone. The specific fisheries are discussed in the report and it appears that each country has the option of eliminating the other's fishery units zone, but has little control over interceptions in the other country's zone.

CONCLUSION

The Halibut Working Group has made no attempt to prioritize the list of options as it considered the Group's function to be one of fact-finding only. The information submitted herein is that which the Group believes should be considered by the North Pacific Fishery Management Council in determining its position on future management of the North Pacific halibut resource.

Report of the
Holburn & Osburning
Group to the
MPFMC.



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P. O. Box 1668, Juneau, Alaska 99802 4,

August 16, 1977

Mr. Elmer Rasmuson, Chairman
North Pacific Fishery Management Council
P.O. Box 3136DT
Anchorage, Alaska 99510

Dear Elmer:

The National Marine Fisheries Service (NMFS) is in the process of amending the preliminary management plans (PMP's) for 1978. As a contingency, we are amending the PMP's for the Gulf of Alaska trawl fishery and the king and tanner crab fishery so that updated PMP's will be available in case implementation of the Council's management plans for these fisheries is delayed. We have asked that PMP revisions be included in the Council's August meeting agenda in order to give the Council an opportunity to comment. For your review attached is a table reflecting the changes in OY, U.S. capacity, and surplus and following is an outline of the proposed changes to the plans. The changes represent NMFS's thinking and have not been reviewed or approved by NOAA or Department of Commerce. We are hopeful that such approval will be given prior to the Council meeting so that if any further changes are made we can inform you of such by the beginning of the meeting.

In addition to changes in OY, U.S. capacity, and surplus we are suggesting other changes. Those changes are as follows:

Shrimp of the Eastern Bering Sea and Gulf of Alaska

No change.

Snails of the Eastern Bering Sea

No change.

Trawl and Herring Gill Net Fishery of the Bering Sea and Aleutian Islands

Changes in OY, U.S. capacity, and surplus ^{1/} are shown in the attached table. A reserve equivalent to 30 percent of the surplus of sablefish is created to allow for development of a United States fishery. By October 1 we will reappraise the U.S. capacity to harvest the reserve. If it is determined a balance will remain, there will be a reallocation to foreign nationals. The area closed to foreign herring fishing is expanded to include all waters east of 168°W Longitude.

Trawl Fishery of the Gulf of Alaska

Changes in OY, U.S. capacity, and surplus are shown in the attached table. The figures do not include adjustments for joint ventures. Reserves equivalent to 30 percent of the surplus for each species are established for development and expansion of U.S. fisheries. By October 1 we will reappraise the U.S. capacity to harvest the reserves. If it is determined balances will remain, there will be reallocations to foreign nationals.

Sablefish of the Bering Sea and Northeastern Pacific Ocean

Changes in the OY, U.S. capacity, and surplus ^{1/} are shown in the attached table. The OY for the Bering Sea and Aleutian Islands is subdivided to 1,500 metric tons for the Aleutian Island region and 5,000 metric tons for the Bering Sea region. The OY for the Gulf of Alaska is subdivided to 6,000 metric tons for southeastern Alaska and 16,000 metric tons for the remainder of the Gulf of Alaska. The U.S. capacity in the Gulf of Alaska is subdivided to 3,200 metric tons for the southeastern Gulf and 400 metric tons for the remainder of the Gulf of Alaska. The surplus is subdivided to 2,800 metric tons for the southeastern Gulf and 15,600 metric tons for the remainder of the Gulf of Alaska. A reserve equivalent to 30 percent of the sablefish OY in both the Bering Sea and Aleutian Islands and the Gulf of Alaska is established to allow for development and expansion of U.S. fisheries. By October 1 we will reappraise the U.S. capacity to harvest the reserves. If it is determined balances will remain, there will be reallocations to foreign nationals.

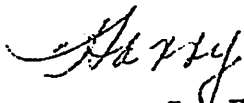
^{1/} Stated sablefish surplus applicable to both the trawl and the longline - pot fisheries.

King and Tanner Crab of the Eastern Bering Sea

Changes in OY, U.S. capacity, and surplus are shown in the attached table. The United States has the capacity to harvest the entire OY of C. bairdi, thus the foreign fishing is restricted to that area north of a line beginning at the U.S.-Russia convention line of 1867 and extending eastward along 56°N Latitude to 173°W Longitude, then north along 173°W Longitude to 58°N Latitude, then east along 58°N Latitude to 164°W Longitude, then northward along the line 12 nautical miles off shore from the baseline used to measure the U.S. territorial sea (the area north and west of Area B in the original PMP).

The foregoing information and the attached table summarize NMFS's proposed revisions to the PMP's. We again point out that the changes have not been reviewed by NOAA and the Department of Commerce. We are hopeful, however, that higher level approval will be given prior to the Council meeting and that we will be able to make you aware of any additional or new changes at that time.

Sincerely,



Harry L. Rietze
Director, Alaska Region

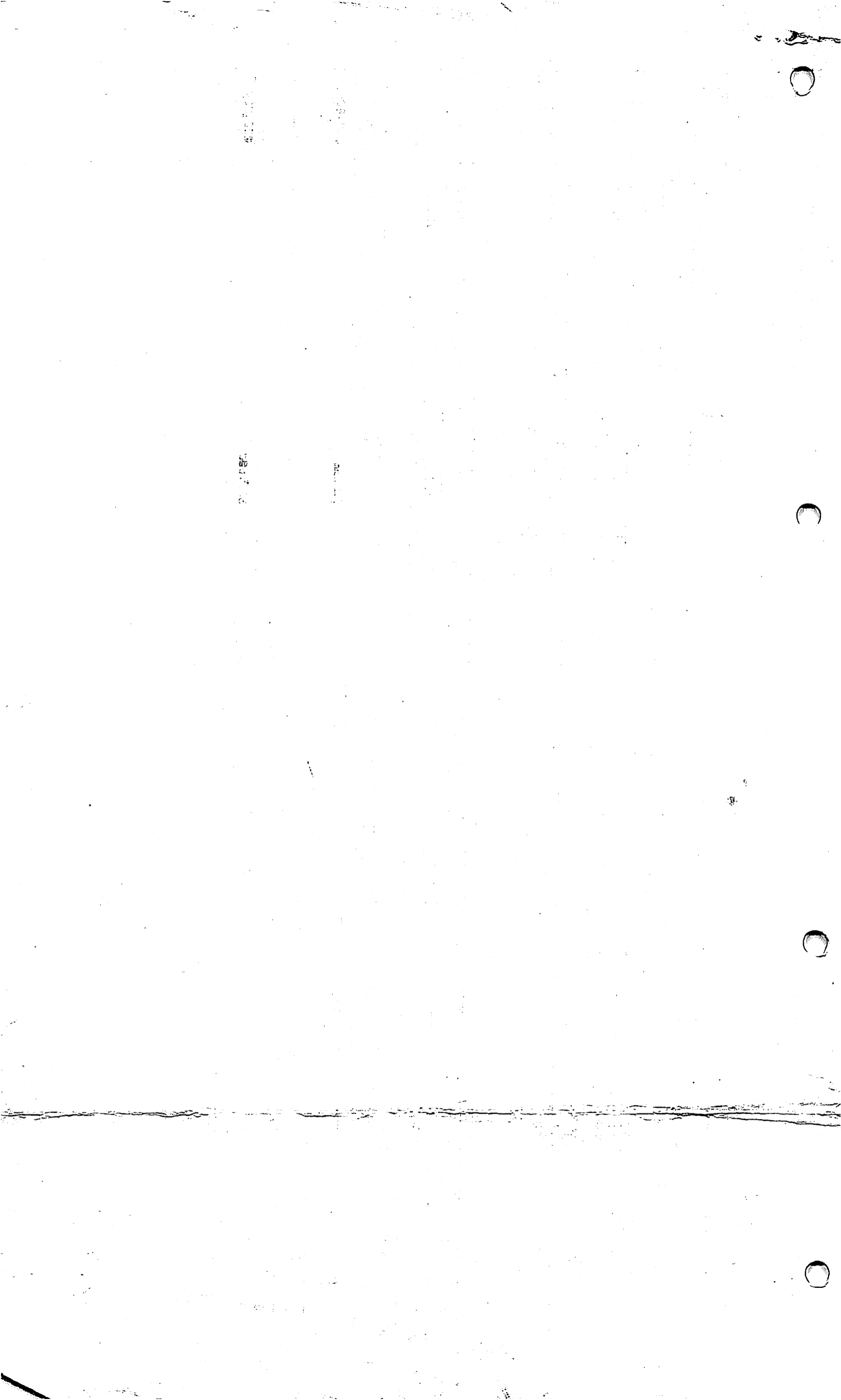
Attachment

cc: All NPFMC members
Jim Branson

1977 AND PRELIMINARY 1978 ESTIMATES OF OPTIMUM YIELD, U.S. CAPACITY, AND SURPLUSES BY OCEAN AREAS FOR CERTAIN U.S. FISHERY RESOURCES
(METRIC TONS)

3.

| FISHERY RESOURCE | BERING SEA AND ALEUTIANS ISLANDS | | | | | | GULF OF ALASKA | | | | | |
|---------------------|----------------------------------|-----------|----------|--------|-----------|-----------|----------------|---------|----------|--------|---------|---------|
| | OPT. YIELD | | U.S. CAP | | SURPLUS | | OPT. YEILD | | U.S. CAP | | SURPLUS | |
| | 1977 | 1978 | 1977 | 1978 | 1977 | 1978 | 1977 | 1978 | 1977 | 1978 | 1977 | 1978 |
| POLLOCK-ALASKA | 950.000 | 950.000 | 00 | 00 | 950.000 | 950.000 | 150.000 | 168.800 | 1.000 | 17.700 | 149.000 | 151.100 |
| YELLOWFIN SOLE | 106.000 | 106.000 | 00 | 00 | 106.000 | 106.000 | | | | | | |
| FLOUNDERS-OTHER | 105.000 | 139.000 | 00 | 00 | 105.000 | 139.000 | 23.500 | 33.500 | 3.000 | 9.200 | 20.500 | 24.300 |
| COD-PACIFIC | 58.000 | 58.000 | 00 | 00 | 58.000 | 58.000 | 6.300 | 40.600 | 4.000 | 15.500 | 2.300 | 25.100 |
| PACIFIC OCEAN PERCH | 21.500 | 21.500 | 00 | 00 | 21.500 | 21.500 | 30.000 | 25.000 | 1.000 | 1.100 | 29.000 | 23.900 |
| ROCKFISHES-OTHER | | | | | | | 5.000 | 7.600 | 1.000 | 2.000 | 4.000 | 5.600 |
| SABLEFISH | 7.400 | 6.500 | 00 | 00 | 7.400 | 6.500 | 22.000 | 22.000 | 2.500 | 3.600 | 19.500 | 18.400 |
| HERRING-PACIFIC | 21.000 | 18.800 | 1.000 | 10.000 | 20.000 | 8.800 | | | | | | |
| MACKEREL-ATKA | | 24.800 | | 00 | | 24.800 | 22.000 | 24.800 | 00 | 00 | 22.000 | 24.800 |
| OTHER SPECIES | 93.600 | 82.800 | 00 | 00 | 93.600 | 82.800 | 16.200 | 14,500 | 00 | 500 | 16.200 | 14,000 |
| TANNER CRAB | 37.400 | 42.000 | 24.900 | 29.500 | 12.500 | 12.500 | | | | | | |
| SNAILS(MEAT) | 3.000 | 3.000 | 00 | 00 | 3.000 | 3.000 | | | | | | |
| TOTAL | 1,402.900 | 1,452.400 | 25.900 | 39.500 | 1,377.000 | 1,412.900 | 275.000 | 336,800 | 12.500 | 49.600 | 262,500 | 287,200 |



PART V

PROPOSED MANAGEMENT REGULATIONS

The following proposed management regulations are based on the biological, social, economic, and ecological facts stated in Parts I through IV of this Report. These management regulations are legally necessary for the reasons stated in part VI of this Report.

Proposed Management Regulations

1. The EY for sablefish be reduced from 22,000 mt to ~~17,000 mt~~; *16,600 MT*
2. The OY for sablefish be set at 13,000 mt;
3. All foreign longlining be prohibited east and south of Cape St. Elias;
4. All longlining be prohibited in ^{November,} December, January, and February; *SPAWING - LOW LIGHT*
5. Option II-A of the Draft FMP favoring the preservation of halibut over the unencumbered growth of a domestic trawl fishery be adopted;
6. *Because should the extended* The period closure for ^{foreign trawling in} the area near Kodiak Island (147° - 157° W. longitude) be extended 16 days, or from February 15 to May 31; and
7. *Foreign Trawling in* All trawling be prohibited in the shaded areas shown on the following maps. *P-8-21 · 8-22 FMP*

In addition to these measures, the Council should immediately direct appropriate study toward determining the existence, extent, and consequences of the postulated present ecological instability among groundfish in the Gulf of Alaska.

COMMISSIONERS:

NEILS M. EVENS
PETERSBURG, AK.

WILLIAM S. GILBERT
BAINBRIDGE ISLAND, WA.

CLIFFORD R. LEVELTON
OTTAWA, ONT.

FRANCIS W. MILLERD
VANCOUVER, B.C.

ROBERT W. SCHONING
WASHINGTON, D.C.

PETER C. WALLIN
PRINCE RUPERT, B.C.

3
INTERNATIONAL PACIFIC HALIBUT COMMISSION

ESTABLISHED BY A CONVENTION BETWEEN CANADA
AND THE UNITED STATES OF AMERICA

29 July 1977

6.
DIRECTOR
BERNARD E. SKUD

P.O. BOX 5009
UNIVERSITY STATION
SEATTLE, WA 98105

TELEPHONE
(206) 634-1838

TWX
(HALIBUTCOM SEA)
910-444-2139

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

Dear Mr. Branson:

I have the following comments on the second draft of the Fishery Management Plan for the Gulf of Alaska Groundfish Fishery:

(1) The draft provides significant protection for halibut. IPHC supports the management measures listed in Sections 8.3.1 (domestic, Option II-A) and 8.3.2 (foreign). However, a slight modification in the period closed to trawling in the area near Kodiak Island (147° - 157° W. longitude) could provide additional protection for halibut and reduce conflicts between the domestic halibut fishery and the trawl fisheries. The draft plan calls for a closure from February 15 to May 15. IPHC proposes that this closure be extended for 16 days, i.e., from February 15 to May 31. Over half of the annual halibut catch by the domestic setline fishery in the Gulf of Alaska occurs in the area around Kodiak Island, and the closure was designed to allow the grounds to remain undisturbed before the opening of the halibut season as well as to reduce the incidental catch. The halibut season usually has opened in early May, but later openings can be expected if present trends in the fishery continue. Fishing effort usually is heaviest during the first weeks of the season, and the extension of the trawl closure to May 31 will reduce gear conflicts even if the halibut season continues to open in early May. The extended closure also will further reduce the incidental catch of juvenile halibut, which is highest during the winter and spring, and will be more in agreement with the December 1-May 31 restrictions on catch and gear.

(2) Section 12.4, Unavoidable adverse impacts (page 12-11). This section states that "To a large extent, full development of the groundfish fishery and the rebuilding of halibut stocks to former levels of abundance are mutually exclusive". These objectives and the implication of this statement are not consistent with Public Law 94-265 (Section 301.a.1) which states that "Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery". Obviously, some compromise is necessary beyond the "full development" of the groundfish fishery and the restoration of halibut stocks "to former levels of abundance". Although the incidental catch of halibut in trawls is "unavoidable", the further deterioration of halibut abundance can be avoided

by properly controlling and managing the expansion of the domestic trawl fishery. The same situation is true for the incidental catch of crab by trawls, yet this problem is not mentioned in this section nor in Section 3.6. ADF&G prohibits the retention of crabs caught in trawls much as IPHC does for halibut.

Other sections of the groundfish report take a more positive attitude about the problem and offer options that will permit the development of the trawl fishery without being unduly detrimental to the halibut fishery. This attitude should be reflected in Section 12.4 rather than the negative approach that the objectives are mutually exclusive.

(3) The treatment of halibut in the report is not consistent with that of other species and information on the fishery is omitted entirely from certain sections and tables. A few of the many inconsistencies are listed in this paragraph. Detailed year by year regulations are given for other groundfish but not for halibut (Section 3.3). The discussion on markets and imports (3.5.1.3) does not include information on halibut. Section 4.4 on research and sampling is not complete for halibut, yet more research effort has been expended on this species than any other species of groundfish. Section 4.6.1 on the quality of data mainly comments on data from foreign countries, with little mention of domestic data; data from the halibut fishery is omitted entirely. Halibut research is not mentioned in Section 4.6.2. This section on management costs (8.4.1) does not include halibut, etc. etc.

The same inconsistencies exist in many of the tables and may lead to serious confusion because the text and tables do not always explain whether halibut data are included. For example, the text says that Table 8 excludes halibut but the table is headed "all species". The tables on value of the fisheries include halibut in some instances and exclude it in others. The same inconsistency or lack of explanation is true for the tables on fleet characteristics, permits, and gross revenue (Tables 23 and 24, 30-43, and 46-53). Other information on halibut is incomplete or misleading. For example, the available information on stock units for species other than halibut is very limited and it may be valid to conclude that most groundfish are "permanent residents", but this description does not apply to halibut.

I don't disagree with the concept of including halibut in the groundfish plan, but there are also reasons to exclude it. In any case, it is obvious that the halibut data was added as an after thought and its treatment is wholly inadequate. To avoid an unnecessary delay of the "regular groundfish plan", I recommend that the halibut data, other than that needed specifically to discuss possible restrictions on the trawl fisheries, be excluded from this plan. The background information supplied by the Halibut Working Group is far more complete and could be expanded at a later date to develop a suitable halibut management plan.

Sincerely yours,



Bernard E. Skud
Director

Jill Haines

8/22/77

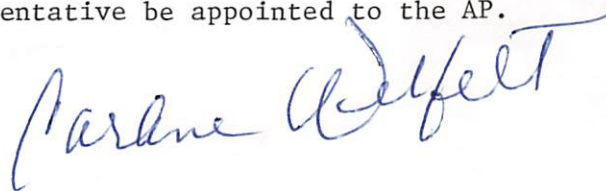
To: Mr. Keith Specking
Chairman, Advisory Panel

From: Carlene Welfelt

In an effort to come to grips with my role as a consumer representative on the AP, I have attempted to develop a working statement for use as a guideline in reviewing fishery management plans. I submit it for the panel's consideration and comment.

Also attached are my comments on the fishery management plans currently before us.

At this time, too, I would like to propose the AP endorse the recommendation of the Council's executive director that another consumer representative be appointed to the AP.



Attachments

8/22/77

Working Paper
STATEMENT OF THE CONSUMER INTEREST

A stated purpose of the FCMA is to establish fishery management councils to prepare fishery management plans under circumstances which will enable the consumer to participate in and advise on the establishment and administration of such plans.

To define the consumer interest in the development of fishery management plans, the following working statement is proposed:

The consumer interest encompasses the availability of a quality product at a fair price.

In assessing the adequacy of any particular fishery management plan's content to satisfy this interest, the following factors in the above statement are suggested for consideration:

I. THE CONSUMER: Is he identified? Among several consumers, what percentage of that role does each occupy? Is he foreign or domestic? Are his numbers increasing, declining, remaining steady?

II. THE PRODUCT: Is it identified in the consumer's terms (i.e., in terms of pounds of frozen fish sticks as opposed to numbers of fish)? Among several products, what percentage of the market does each occupy? Is it an existing or a new product?

III. PRODUCT AVAILABILITY: Does the plan propose to increase, maintain, or decrease the product's availability? To what extent? What factors--volume of foreign or domestic catch, gear restrictions, processing requirements, etc.--are operating to affect availability? Does availability meet current or projected demand?

IV. PRODUCT QUALITY: As the result of proposed changes in fisheries management, will quality of the product be maintained? increased? decreased? Again, what factors are operating to affect quality?

V. PRICE: As with the product's availability, does the plan propose to increase, decrease, or maintain current prices? To what extent? Again, what factors--volume of foreign or domestic catch, gear restrictions, processing requirements, etc.--are operating to affect the price? Is the price anticipated to affect demand?

For the consumer to participate in the planning process, he needs first and foremost the information on which to base his decisions in areas affecting his interests. It's realized that in many instances the specific data simply are not available at this time. In those cases, it's hoped these thoughts will provide an indication of the types of data that are required to assure maximum consumer participation in future management plans. Where they are available, the data should be incorporated into the plans.

A brief discussion of the Ground Fish Management and Tanner Crab Off Alaska plans, using this working statement, is attached.



Carlene M. Welfelt

Attachments

8/22/77

Gulf of Alaska
Ground Fish Management Plan

I. THE CONSUMER: 3.5.1.3 Identified as institutions, restaurants, and retail outlets. Does not describe halibut consumer. Does not give percentage of consumer role each holds. This list does not account for users of other products mentioned throughout the plan, such as bait, fertilizer, oil, vitamins, etc. In the case of ground fish, it would be helpful to tie the consumer to the species involved.

II. THE PRODUCT: 3.5.1.3 Identified as predominantly fish fillets. Does not describe halibut products. Again, other products--fertilizers, bait, etc.--need to be identified and quantified and tied to the species involved.

III. PRODUCT AVAILABILITY: 3.5.1.4 Information on the availability of imported products (expected to decline) and domestic products (expected to increase) is scattered with regard to species (halibut, pollock, sablefish, etc.) throughout the plan. One can get a general picture of overall causes and effects in the plan as a whole; however, a tabular summary of specific products, foreign and domestic sources available for foreign and domestic consumption, would be useful in assessing availability now and in the future.

IV. PRODUCT QUALITY: p. 3-91 Only the quality of Alaska pollock, Pacific cod, etc., listed on p. 3-82 appears to be affected by processing requirements of the management plan. The consumer may be alerted that the requirement to mince or shred these fish in order to fully utilize domestically caught fish may decrease the overall quality of the products to be identified under "I." above, or even decrease certain product availability identified under "II."

V. PRICE: 3.5.1.2 Averages for domestic halibut and sablefish products are given. Current prices of all products, imported and domestic, are desirable. As price increases are predicted as the result of decreases in the availability of imports, information on price changes of the various products after domestic takeover of the fisheries will be desirable as they become available.

GENERAL: Much consumer information is scattered throughout the plan; however, it is difficult to get a consolidated, comprehensive picture of the ground fish situation. The halibut fishery, for example,

is practically divorced from the plan, rather than being integrated into an overall picture. Yet an option before the Council is the development of other ground fish at the expense of the halibut fishery.

In considering the option of delivery by U. S. fishermen of their catch to foreign factory ships, the impact on the consumer's areas of interest in terms of product availability, quality, and price are due consideration.