

North Pacific Fishery

Management Council

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MEMORANDUM

DATE: August 10, 1977

TO: All Council Members, SSC Members and AP Members

FROM: Executive Director *JMB*

SUBJECT: Final Regulations Guidance for Regional Fishery Management Councils

Attached are copies of the final regulations for Regional Fishery Management Councils Part V which covers actual Council operation.

The Council commented on these as interim regulations and a summary of Council comments and the action taken on them is attached for your information. Part VI, published as interim regulations and devoted mostly to the development of management plans, have been mailed to you for review and will be an agenda item for the Council at the August meeting.

Recommended Changes to the Iterim Regulations As Requested
By the North Pacific Council at their January meeting.

The final regulations for guidance for regional fishery management councils were published in the Federal Register on July 5th, 1977. The North Pacific Council had recommended seven changes. They are as follows:

Section 601.23(e)2.

Recommendation: The last sentence should be written to read "legal counsel on a continuing basis may be obtained from the Regional Office of the NOAA office of General Counsel."

Action: *This was approved and is now part of the final regulations.*

Section 601.23(f)2.

Recommendation: We suggested the elimination of the words "except for hotel receipts."

Action: *This was rejected as NOAA auditors recommended, but this is the only receipt that is required for travel.*

Section 602.2(b)1:

Recommendation: We recommended the definition of overfishing should be eliminated from the regulations.

Action: Overfishing - *Overfishing is a level of fishing that results in a reduction in the capacity of a management unit to produce maximum biological yield on a sustained basis for specified habitat and environmental conditions.*

Section 602.2(e)1(II).

Recommendation: The last sentence should be reworded to read "the opportunity of new participants to enter into a fishery should be protected wherever feasible and in a manner which prevents excessive fishing effort."

Action: *The last sentence now reads "Right of entry of new participants into a fishery should be protected, wherever feasible."*

Section 602.3.

Recommendation: Council had made recommendations on eliminating some sentences they felt were not proper.

Action: *The new regulations are dated July 18, 1977, Part VI and have been mailed.*

Section 602.2(d)(2).

Recommendation: Council had recommended several changes on a stocks range in the neighboring country contiguous zone and several recommendations for negotiations in any new treaties with any foreign countries. Because of this comment and others, these are the new regulations as "Four commenters expressed a desire that the Council have a stronger role in the development of plans of transnational stocks than provided for in jurisdiction 602.2(d)2 of the Interim Regulations. This issue is being reviewed by NOAA with careful consideration of the commenters' views. Therefore, the last two sentences are deleted."

Action: Rules and Regulations published July 18, 1977 cover treaties of international agreements in Section 602.3(b)(7).

Section 601.24(b)(5).

Recommendation: Council recommended the sentence be deleted.

Action: The new regulations now read: "The Council shall meet in plenary session at least once every three months. Council advisory groups may meet as frequently as necessary, with the approval of the Council Chairman."

Council staff has been informed by the National Marine Fisheries Service, Washington, D.C., we have 45 days from publication to comment on the new rules and regulations.