

Agenda #8 *g*
February 1973

PACIFIC FISHERY MANAGEMENT COUNCIL

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Lorry M. Nakatsu

February 22, 1978

Mr. Terry L. Leitzell
Assistant Administrator
for Fisheries (Designate)
National Marine Fisheries Service
Washington, D.C. 20235



Dear Terry:

At its recent meeting in Portland, the Pacific Fishery Management Council considered the proposed interim policy to govern consideration of applications for permits by foreign vessels seeking to purchase or receive fish from U.S. fishing vessels in the U.S. Fishery Conservation Zone.

Several Council members felt the proposed policy statement was too negative, tending to stress detrimental impacts of "joint ventures" (ref. the eleven points on page 4). However, most felt the proposal was sufficiently flexible to allow any action the Secretary wanted to take with respect to such ventures. In fact, some felt the statement went too far in this respect.

There was consensus that the term "capability and intent" (ref. page 3) should be concretely defined, and the Council took exception to the term "unduly" as a specific guideline in the phrase "...the proposed interim policy seeks to preserve foreign market opportunities for U.S. fishermen when such sales or deliveries would not *unduly* affect the development of other segments of the U.S. fishing industry" (ref. page 2). What is really meant by "unduly" and how does one determine "capability and intent"?

Specifically, the Council suggested the following amendments to the document:

1. Last paragraph, page 3: In implementing this policy, the Secretary of Commerce may also take into consideration one or more of the following in evaluating a *permit application and in setting conditions and restrictions governing any permit for a proposal to issue a permit to a foreign vessel to purchase or receive fish from a U.S.*

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Mr. Terry L. Leitzell
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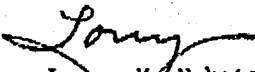
2. Page 4: (2) Potential for gear and other conflicts between U.S. vessels or between U.S. and foreign vessels involved in harvesting such fish and other stocks or species in the same area and at the same time.

3. Page 4: (12) Potential for detrimental effects on fish stocks due to bycatch, impact on sanctuary areas, or other factors.

The Council assumed that this document would apply only to this year and that a more thorough and carefully-worded permanent policy statement would be drafted.

If you have any questions concerning Council action on this proposed interim policy statement, please give me a call.

Sincerely,


Lorry M. Nakatsu
Executive Director

cc PFMC Members
Alfred J. Bilik

NOTE: Page numbers and paragraphs indicated above refer to the typed copy for the FEDERAL REGISTER sent to Councils for comment.