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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

November 2, 1990

Dr. Clarence G. Pautzke
Executive Director
North Pacific Fishery Management Council
P.O. Box 103136
Anchorage, Alaska 99510

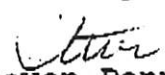
Dear Clarence:

At its September meeting, the Council recommended that the International Pacific Halibut Commission divide Regulatory Area 4E and establish separate halibut quotas for the Bristol Bay and Nelson and Nunivak Islands fisheries. In a letter dated October 15, 1990, Commission Director Donald McCaughran affirmed that he would present the recommendation to the Commission for consideration, but advised that the Commission staff views this recommendation as allocative in nature and without biological justification.

As you know, the Commission may develop halibut regulations to promote conservation, but regulations having allocation as a primary purpose must be developed by the Council for implementation by the Secretary of Commerce. Consequently, if the Commission determines that the division of Area 4E cannot be justified as a conservation measure, the Commission will not be able to act upon the Council's recommendation. It is also possible that the Canadian Commissioners will fail to approve any halibut regulations for 1991 in protest over halibut bycatch in the groundfish fisheries off Alaska. In anticipation of either event, the Council may wish to develop its own Area 4E regulations for implementation by the Secretary.

We may wish to have the Council discuss this during the teleconference scheduled for November 15. We could prepare the necessary analysis and supporting documents for consideration at the December meeting. The Council could then send it out for public review with final approval and recommendation to the Secretary at the January meeting. This should put the regulations in place before the beginning of the 4E season.

Sincerely,


Steven Pennoyer
NMFS Alaska Regional Director



