

North Pacific Fishery Management Council

John G. Peterson, Interim Chairman
Clarence G. Pautzke, Executive Director



Mailing Address: P.O. Box 103136
Anchorage, Alaska 99510

605 West 4th Avenue
Anchorage, Alaska 99501

Telephone: (907) 271-2809
FAX (907) 271-2817

M I N U T E S

Council Chairmen's Meeting
Homer, Alaska
July 29-30, 1988

The meeting was called to order by Jim Campbell at approximately 9:04 a.m. on July 29, 1988.

Council attendees were:

Caribbean Fishery Management Council - Stephan Monsanto, Miguel Rolon

Gulf of Mexico Fishery Management Council - John Green, Sherman Muths, Wayne Swingle

Mid-Atlantic Fishery Management Council - Bob Martin, James McHugh, John Bryson

New England Fishery Management Council - David Borden, Robert Jones, Doug Marshall

North Pacific Fishery Management Council - Jim Campbell, John Peterson, Oscar Dyson, Clarence Pautzke, Steve Davis, Judy Willoughby, Ron Miller, Helen Allen

Pacific Fishery Management Council - Bob Fletcher, Dick Schwarz, Larry Six

South Atlantic Fishery Management Council - Ed Joseph, Elaine Knight, Bob Mahood

Western Pacific Fishery Management Council - William Paty, Kitty Simonds

Others in attendance included:

Jim Brennan, Asst. Administrator for Fisheries

Dick Schaefer, Office of Fisheries Management, NMFS

Eileen Cooney, NOAA General Counsel's Office

Daphne White, Office of Fisheries Management, NMFS

Howie Hochman, NMFS - Budgets

Bill Aron, Director, Northwest & Alaska Fisheries Center

Jim Brooks, Acting Regional Director, NMFS-Alaska Region

Craig O'Connor, NOAA-GC, Alaska Region

John Bovard, Congressional Affairs, NMFS

Rod Moore & Jeff Pike, Staff of the House Subcommittee on Fisheries & Wildlife Conservation and the Environment

Jim McCallum, Staff, House Merchant Marine & Fisheries Committee

Jim Hoff, Congressional intern

Kelly Faulkner, Congressional intern

FINAL MINUTES
CHAIRMEN'S MEETING
JULY 29-30, 1988

APPROVAL OF AGENDA

Ed Joseph asked that the enforcement budget be discussed under Agenda Item 7. The agenda was approved with this addition.

REMARKS

A representative of each Council reviewed their current activities with regard to FMP and amendment development.

Jim Brennan told the Chairmen that NMFS is working toward "regionalization," and that Dick Schaefer would be visiting Councils more regularly. They will coordinate very closely with the Councils and Regional Offices so that there are no last-minute difficulties in the FMP and amendment review process. More of the paperwork for plan and amendment approval will occur in the Region and Regional Directors will be major reviewers. The Central Office will act more as expeditors.

Mr. Brennan also said that the Administration is working toward extending jurisdiction of the territorial sea out to 12 miles. Council chairmen were concerned that states will then consider extending their jurisdiction to 12 miles which could change the way fisheries are managed under the MFCMA. Mr. Brennan noted that the extension probably would trigger actions by the states to extend their jurisdictions. Eileen Cooney said that just extending the territorial sea, as envisioned in the Presidential Proclamation, will not have an immediate effect on MFCMA because it will not change the definition of state waters, which remains at three miles.

Mr. Brennan said that, responding to MAFAC concerns, NMFS is now working on an interjurisdictional fisheries policy which will describe how Councils and states can work together on such fisheries. A draft will be sent to the Councils for review when available.

AGENDA ITEM 1 - 600, 601, 604 and 605 Regulations and Guidelines

Attendees reviewed the proposed 600, 601, 604 and 605 Regulations and Guidelines. Suggested revisions are found in Appendix I to these minutes.

AGENDA ITEM 2 - 602.11 and 602.12 Conservation Standards

Suggested revisions to the proposed 602.11 and 602.12 Conservation Standards are also found in Appendix I.

It was noted that the comment period for these documents ends August 9. Council Chairmen noted that it may be difficult to submit them by that date and requested the deadline be moved to September 1. Mr. Brennan said they would request the deadline be extended, but NMFS needs the comments in writing as soon as possible.

AGENDA ITEM 3 - Budgets

Howie Hochman (NMFS-Washington, DC) reviewed the current budget situation. NMFS will take a \$10.1 million reduction in their 1988 budget (6.3% across the board, reducing the budget from \$164.7 million to \$154.6 million); however, funds have been reprogrammed so that no Council will receive less than their CY 1987 level. Some will receive slightly more because of high priority projects. The final Council budget levels for CY 1988 are:

	<u>Budget</u>
New England	\$ 930,000
Mid-Atlantic	993,000
South Atlantic	873,000
Caribbean	542,000
Gulf of Mexico	975,000
Pacific	1,014,000
Western Pacific	728,000
North Pacific	<u>1,160,000</u>
	<u>\$7,215,000</u>

NMFS is going to a two-year award cycle but will continue to release funds on a continuing basis, probably about every six months. For CY 1989, the NMFS budget is at about \$163 million and the Councils probably will receive between \$7.2 and \$7.7 million.

AGENDA ITEM 4 - Ecosystems Management

Jim Brennan noted that the movement from single-species to multi-species management should logically lead to management of the ecosystem as a whole--the relationship among the target species and other fish in the ecosystem and other predators, including man and marine mammals. Determining how meteorology and oceanographic conditions affect stocks will be important, too. In that regard, Dr. Evans is initiating an effort toward total coastal ocean management. The National Ocean Service, the National Weather Service, and other NOAA agencies will be working together on these issues. Mr. Brennan assured the Councils that these new approaches will survive any change in the Administration and will not take away funds from other high priority projects in NMFS.

AGENDA ITEM 4A - Habitat Policy

The North Pacific Council asked that habitat policy be included in the agenda to hear from other Councils on their policies and the policy developed by NMFS for Council approval. All Councils have approved a habitat policy, most are similar to, or the same as, the one prepared by NMFS. They all agreed it is an important issue and having a policy has assisted them in dealing with other agencies in areas of fisheries habitat concern.

AGENDA ITEM 5 - Marine Mammal Reauthorization

Mr. Brennan reviewed the ongoing efforts to develop a plan for reauthorization of the Marine Mammal Protection Act. One problem with the agreement between the fishing industry and environmentalists is the difficulty in implementing it. At least three years will be needed to develop data for a permanent solution. To encourage the gathering of reliable data, there will be no

FINAL MINUTES
CHAIRMEN'S MEETING
JULY 29-30, 1988

violations issued for infractions of the Act during that three years. Legislation is being prepared to assess a \$15 license fee to fund the observers needed for the program. The legislation would also include an ad valorem tax of 1.25% of the exvessel price on the sale of fish regulated under an FMP. As soon as the draft legislation has been approved in NOAA, Mr. Brennan will forward a copy to each Council.

John Peterson noted that a poundage fee could substantially increase the cost of the final processed product, raising the the price to consumers, and decreasing the competitiveness of domestic product on world markets.

Jeff Pike, staff member for the House Subcommittee on Fisheries & Wildlife Conservation and the Environment, said they have been studying the industry/environmentalist agreement for several weeks trying to build upon it and devise a permanent solution. It is unlikely that funding (approximately \$5 to \$8 million) for the observer proposal will be available immediately. As soon as they have draft legislation, probably in the next two to three weeks, they will send it out to Councils for comment. Some interim solution must be found before Congress adjourns on October 7. It was also noted that the tuna-porpoise issue is heating up and that domestic and foreign takes need to be addressed.

AGENDA ITEM 6 - Magnuson Act Amendments

a. Obligatory Seats

There was much concern expressed over the section of the proposed regulations and guidelines changing the method of appointing Council members, therefore the Gulf Council proposed that the MFCMA be amended to require an obligatory seat for each Council from each state within its jurisdiction. Without an obligatory designation all seats would become at-large seats, and a person serving on behalf of a state could be nominated by a Governor of an adjoining state.

The Gulf Council proposed the following amendment: (underlined language is new; language in brackets is deleted)

Section 302. Regional Fishery Management Councils

(a)(1) through (6) and (8)

(at least one of whom shall be appointed [from] to an obligatory seat for each state from a list of individuals submitted by that state)

Council Chairmen agreed by consensus to support this proposed amendment.

b. Fast Track for Regulatory Amendments

Regulatory amendments have no mandatory schedule for review and approval and are not always processed expeditiously, creating management problems. The Gulf Council suggested that regulatory amendments be included in the language of Section 304(a)(1) regarding Secretarial review and approval of FMPs and amendments. Many framework measures are implemented by regulatory amendment and it is critical they be reviewed in a timely manner.

It was suggested that Section 304(a)(1) may not be the proper place for the proposed revision. Also, some felt that a fixed schedule might slow down the review process in some cases when it could have been completed more quickly. There was no consensus for change.

c. Joint FMP Preparation

Language was submitted that would revise the section of the Act dealing with joint FMP preparation. New language is underlined, deletions are in brackets. Proposed language is:

"[No] A jointly prepared plan or amendment [may be] submitted to the Secretary [unless it is] must be approved by a majority of the combined total voting members, present and voting, of [each] all of the Councils concerned."

Chairmen were asked to bring this issue before their Councils and submit comments to Bob Mahood, South Atlantic Council. Mr. Mahood will work on criteria for this proposal and coordinate Council comments for other amendments.

d. Economic Rent and User Fees

The Gulf Council suggested amending the Act to allow fees charged for limited access systems to be set at a level above those needed for administrative costs. The rationale is that these operations should be charged economic rent for being granted exclusive access to a common property resource.

It was suggested that perhaps this should be applied to all fisheries, not just limited access fisheries, as the need for more data collection and research escalates.

No consensus was reached on approval of this proposed amendment, but it will be included in the package Mr. Mahood will be developing for Council consideration on Magnuson Act amendments.

e. Paperwork Reduction Act Exemption

The Gulf Council submitted a draft letter for consideration of all Councils. The letter, addressed to both the House Committee on Government Operations and the Senate Committee Government Affairs, points out the conflict between the need for data collection under the Magnuson Act and the annual reduction of data collection budgets under the Paperwork Reduction Act. General consensus was agreed on the need to send the letters and the Gulf Council will prepare them for Council signatures.

f. Tuna Exemption

The Pacific Council opposes including tuna under Magnuson Act authority. The Caribbean Council is not opposed to including tuna under the Act, but has discussed the issue and not taken a formal position. Other Councils felt that the tuna exemption is making management of other fisheries in their jurisdiction difficult. The Western Pacific and South Atlantic Councils have

FINAL MINUTES
CHAIRMEN'S MEETING
JULY 29-30, 1988

both commissioned studies on this proposal. The paper done for the Western Pacific Council is complete and the one commissioned by the South Atlantic Council should be in first-draft form by the end of August. It was decided that an ad hoc group composed of each Council's Chairman, or his designee, will meet to review the reports when they are both available and try to draft some specific proposals for amendment to the Act. The meeting will probably take place in late August or early September. Each Council was asked to put together a position paper on this issue for the ad hoc committee. The New England Council will coordinate this effort. Chairmen are asked to let Doug Marshall know who will be their Council representative on the group, though there is no requirement to participate.

g. Council Coordination on Reauthorization

Bob Mahood, South Atlantic Council, will take the lead in coordinating the Councils' position on Magnuson Act amendments and developing a single document of recommended changes in legislation.

Rod Moore said that it would probably be March or April before hearings are held on reauthorization but Congressional staff would appreciate something to work with by the end of January or early February.

AGENDA ITEM 7 - Enforcement, Surveillance, Compliance

An adequate level of enforcement of fishery regulations continues to be a problem with decreased funding and other priorities within the Coast Guard. All Councils expressed concern and asked that this issue be addressed when the Magnuson Act amendments are being considered. Rod Moore said that it is important that Councils make their concerns known to the Appropriations Committee during the budget process. Industry also needs to become interested in the budget process to increase the pressure for additional funds.

AGENDA ITEM 8 - Next Meeting

The next Council Chairmen's meeting will be hosted by the South Atlantic Council, probably in early January in Charleston, South Carolina, with Magnuson Act amendments as the main agenda item.

The meeting was adjourned at approximately 2:54 p.m. on Saturday, July 30.