

SCHEDULE FOR PUBLIC HEARINGS ON COUNCIL MANAGEMENT PLANS

The Council must make a decision at this meeting on the time and location of public hearings for the FMP/EIS's for tanner crab and the Gulf of Alaska trawl fishery. If we are to stay on schedule they should occur between the 1st and 24th of August. At the moment only one hearing has been scheduled, for Kodiak on August 24th immediately preceding the August Council meeting in that community.

As a reference point I would like to suggest the following locations and times:

Tuesday, August 9th	Anchorage
Thursday, August 11th	Seattle
Saturday, August 13th	Petersburg
Tuesday, August 16th	Sand Point
Thursday, August 18th	Unalaska
Wednesday, August 24th	Kodiak

This schedule, with the exception of the Kodiak hearing, can be changed, added to, or meetings deleted in any way the Council wishes.

At least one Council member must be at each public hearing to preside, we are planning on sending two staff members to each meeting to handle logistics and we should plan on at least one member from each of the two management teams at each meeting. They will probably be asked to give a short resumé of the plan prior to the start of the public hearing and then to answer questions about the plan during the public hearing.

TITLE 50 - WILDLIFE AND FISHERIES
CHAPTER VI - FISHERY CONSERVATION AND MANAGEMENT
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE

Part 611 - Foreign Fishing

U.S. - Foreign Fishing Ventures within U.S. Fishery

Conservation Zone

AGENCY: National Marine Fisheries Service

ACTION: Advance Notice of Proposed Rulemaking

SUMMARY: A series of public meetings will be conducted in the near future to consider the desirability of rulemaking and other possible courses of action under the Fishery Conservation and Management Act of 1976 ("the Act") for dealing with business arrangements involving the purchase of fish by foreign buyers from U.S. fishermen. These meetings will assist the Secretary of Commerce in establishing a national policy regarding such business arrangements, whose potential effects appear in some cases consistent and in other cases inconsistent with the purposes and policies of the Act.

DATES: Meeting dates will be published in the Federal Register.

cc: F, F31, F3, F4, CCF, A, MR, Ax2, FNW, FSE, FNE, FSW, FAK, All Council Chairmen

GCF:JSWDrewry:lr:6/14/77

JUN 20 1977

James H. ...
Chairman, North Pacific Council

LOCATIONS: The locations for the public meetings will be determined after consultation with the Regional Fishery Management Councils and will be published in the Federal Register.

FOR FURTHER INFORMATION CONTACT:

Richard Schaefer,
Chief,
Fisheries Management Division
National Marine Fisheries Service
Washington, D.C. 20235
(202) 634-7454

SUPPLEMENTARY INFORMATION: The Act, P.L. 94-265, 16 U.S.C. 1821 et. seq., establishes the procedures for foreign participation in fisheries under the exclusive fishery management authority of the United States. Consistent with those procedures, preliminary fishery management plans were prepared in response to foreign applications for specific fisheries.

The Act requires that each preliminary fishery management plan contain a preliminary determination of the optimum yield, which is defined as the maximum sustainable yield modified by any relevant economic, social, or ecological

factors. A second requirement is a preliminary determination of the total allowable level of foreign fishing with respect to the fishery addressed by the preliminary plan. The total allowable level of foreign fishing is defined as that portion of the optimum yield of a fishery which will not be harvested by vessels of the United States.

Inquiries and a permit application have now been received by the Secretary of Commerce from various entities which wish to use foreign processing and transport vessels to purchase, process and ship fish caught by U.S. fishermen, usually by transfer at sea. Some of those foreign processing and transport vessels are owned by joint U.S./foreign interests. Others are wholly owned by foreign interests. Some of these vessels presently hold permits which entitle them to operate in the U.S. fishery conservation zone; some do not at present.

Since most of the inquiries concern proposals developed after the respective preliminary management plans were completed, including the estimate of U.S. catch and the allocation to foreign nations, such proposals might cause U.S. fishermen to catch certain species of fish in an

amount which could result in the total domestic and foreign catch exceeding the optimum yields established by preliminary management plans for those species. This could occur if existing foreign allocations are taken, and if the anticipated U.S. catches of those same species are exceeded by domestic fishermen already engaged in those fisheries, or in combination with additional domestic fishing effort. Other inquiries contemplate U.S. fishermen catching certain species and selling this catch to foreign processors within the estimated U.S. catch contained in preliminary management plans. In some cases, these activities were contemplated in the development of the preliminary management plans.

The Act does not provide for allocations to be made to U.S. fishermen under preliminary management plans, or limitations to be placed on ^{the} U.S. catch. Such limitations may be imposed only under permanent fishery management plans prepared by the Councils and implemented by the Secretary, which plans are not presently complete and will not be in the immediate future. Allocations, if any, under preliminary management plans are to be made

only to foreign nations after all U.S. needs are satisfied. Thus, U.S. fishermen have priority. The net effect of some of the proposed transactions, however, would be to increase indirectly the quantity of certain species which foreign processors might otherwise obtain, to the possible detriment of the resource involved.

There are potential benefits to the U.S. industry from such proposals, and some aspects are consistent with the intent of the Act. Sales to foreign processing vessels represent a market for U.S.-caught fish which does not presently exist and which would provide substantial additional income to U.S. fishermen. Such sales may serve to develop U.S. capacity to take species not otherwise fished by U.S. fishermen. However, one Regional Fishery Management Council has already recommended that specific applications for permits for such activities be denied at this time pending further study of the problem. Processing vessels which already hold permits, and are fishing in conformity with with U.S. regulations, are not presently prohibited from receiving and processing fish obtained from U.S. fishing vessels operating in the same fishery.

This is a matter of national significance. The Act imposes upon the Secretary the primary responsibility of protecting the fishery resources under U.S. management authority. As a related duty, the Secretary must take appropriate steps to promote the domestic commercial and recreational fisheries. Only after these primary responsibilities are met, may surplus fish be made available to foreign nations. Our responsibility to the domestic fisheries includes the development of fisheries currently underutilized by U.S. fishermen, the encouragement of a stable domestic market for U.S.-caught fish, and the conservation of fishery resources by preventing their being overfished.

Because of the importance and long-range consequences of these decisions, the Regional Fishery Management Councils and the interested public ^{should} have an ample opportunity to express comments. By following this course of action, the resources involved, the interests of the United States, and the intent of the Act will all be given adequate consideration. We do not believe that giving the Councils and others an opportunity to comment on this

problem will cause serious harm to the resource, the U.S. industry, or foreign interests.

As a consequence of these factors, it is planned to take the following steps:

1. Issue a Notice of Proposed Rule-Making which would amend Sec. 611.3 of the Foreign Fishing Regulations pertaining to "Permits for foreign fishing vessels" so that the Director, National Marine Fisheries Service, could modify those portions of the permit relating to conditions and restrictions as may be necessary.

2. Conduct a series of public meetings in cooperation with the Fishery Management Councils, as appropriate, for the purpose of reviewing certain aspects of foreign business arrangements involving the purchase of fish from U.S. fishermen.

3. Issue such other Notices of Proposed Rule-Making as may be desirable to implement policy decisions reached on the matters described in Paragraph 2 above.

During the meetings we will seek to evaluate transactions at sea between foreign support vessels and U.S. fishing

vessels, particularly the foreign purchase of U.S. caught fish. Possible courses of action would include, among other things:

- (a) Modifying existing preliminary management plans and regulations during 1977;
- (b) Changing optimum yield statements with, or without, new biological, social, or economic data;
- (c) Adjusting existing foreign allocations;
- (d) Modifying existing permits and issuing new ones;
- (e) Establishing a long-range policy for U.S. and foreign joint participation in fishing ventures under both preliminary and fishery management plans; and
- (f) Taking such other related steps as may be appropriate.

Dated this 15th day of June, 1977, at Washington, D.C.,

Robert H. Schomberg

Director
National Marine Fisheries Service