

EXECUTIVE DIRECTOR'S REPORT

In spite of the long break between Council meetings, the workload has seemed to intensify. Part of it was due to the public hearings held in October and November in Dutch Harbor, Nome, Bethel, Sitka, Juneau and Ketchikan, concluding with two last Saturday in Kodiak and Seattle. The rest has been caused by the seemingly-increasing complexity of the FMP process, particularly as it relates to procedures and review in Washington. The King Crab Plan, as an example, is being sent back with the Draft Environmental Impact Statement by NMFS, Washington, who has refused to review it or to publish Notice of Availability for the EIS because it does not have a preferred option -- a new "policy" requirement of NMFS. Their expressed policy at the moment is that the Draft FMP, EIS, and Regulatory Analysis must all be submitted at the same time and there must be a preferred option in the FMP before they will consider review of any of the documents. Exactly what this does to the planning process, if carried to its extreme, is not well defined. Certainly it is going to slow it down some more. Other ways of handling the process are probably possible, such as developing a draft FMP through completion and Council approval as a final document before drafting the Environmental Impact Statement and the Regulatory Analysis. At that time, of course, there would definitely be a preferred alternative in the plan. That would require holding at least one more hearing on the Draft EIS and slow the process. We have had some rumblings from Washington that even this would be countered by their statement that they will not begin the Secretarial review of an FMP until the Draft EIS process is complete. If that in fact happens, it will slow the process even further.

Fisheries Development Act (Breux Bill)

The Breux bill, properly titled the Fisheries Development Act, passed Congress Thursday evening and went to the President. It has been altered considerably since it was originally submitted. It still contains the requirement for what amounts to 100% observer coverage funded from a special fund through fees on the foreign ships carrying the observers. The phase-out section has been changed so that the Councils determine whether phase-out will be used or whether some other system, as is currently done under the FCMA, can be used to reduce the foreign fishery. The determination of what percentage of phase-out there will be, if that's the course of action selected, apparently is made by the Secretary after receiving direction from the Council. The 60-day Congressional review of regulations authorized by the Fisheries Development Act has been dropped. Capital construction funds for shore-based industry are not included. In essence, while perhaps not the best bill that could have been written, it does appear to be considerably better than some of the earlier versions, and one that will be of some benefit to a number of segments in the industry--including the Councils. A decent observer program alone will be worth a great deal in our efforts to manage the resources in the Alaska area.

## January Council Meeting

In an attempt to coordinate with the Alaska Board of Fisheries, I have scheduled the next Council meeting for Juneau, January 5-9. The Board decided to take all of the southeastern area proposals after the Christmas recess in Juneau, and since the troll salmon fishery is one of the immediate and major problems before the Council and the Board, I felt it was necessary to meet with them in Juneau. Tentatively we have been planning with the Board to have staff presentations and public hearings on Monday and Tuesday, Council discussion on Wednesday, joint Board/Council meeting and action on Thursday, and a final Council meeting on Friday. The agenda will be largely restricted to salmon issues. Proposals for the rest of the year are covered under agenda item C-2.

## Council Chairman's Meeting

Chairman Tillion and I met with the rest of the Council chairman and executive directors in San Juan, Puerto Rico on October 20-21. The discussion covered a broad range of subjects, including the economic condition of the industry and extensive discussion on the NMFS policy group, their relationship to plan review and development, and the subject of regional review of FMP's as opposed to Central Office review. Who prepares regulatory analyses and EIS's was discussed, as well as the timing of those documents in relation to FMP's. NMFS maintains that it is the Councils' job to prepare all three documents and that they should be submitted together, with the FMP containing an Council preferred alternative in first draft. After discussing the subject, I left with the impression that, while these were all desirable, there would have to be exceptions, particularly to the preferred alternative concept. We, in fact, discussed the Council's King Crab Plan in this respect, but the Councils left with apparently a different idea than did the NMFS representatives from Washington. At any rate, they are holding us to a preferred alternative on all of the plans -- not only King Crab, as it appears that we will run into the same problem on Salmon. Other items of discussion were fish 'n chips policy, on which we should receive a full report in the near future; the need for and timing of work plans prepared and submitted by the Councils before they begin work on an FMP or major amendment, the general conclusion being that they are required and they take something over 60 days to go through the process after submission by the Council.

Things were a little brighter during the discussion on OY. Washington is starting to come around to the idea that OY need not be a fixed number or even a number at all, and is not necessarily a quota -- a position the Council has maintained for some time.

Monitoring FMP's was discussed in relationship to who does it, the costs, and the methodology. The Council's proposal that a monitoring team (PMT) composed of state, federal, and Council personnel, be tasked with this job seemed to meet with some approval.

The relationship between federal regulations and state laws in the FCZ was discussed, NMFS maintaining that federal regulations do preempt state law in the FCZ if there is a conflict between the two.

The latest reading on the ability of Councils to hire legal help, promulgated by the Departments of Justice and Commerce, is that yes, Councils can hire lawyers but no, they cannot engage in litigation against the Secretary of

Commerce or other parts of the federal government; and that generally speaking, legal help should be obtained from NOAA counsel assigned to the regions.

When I left the meeting in San Juan, I felt that it was one of the more useful chairmen's meetings that we have held and that we may have actually accomplished something. Since that time, I'm not so sure that was the case at all. The meeting place was very nice and the hospitality of the Caribbean Council was extraordinary. The next Chairmen's meeting is scheduled for Alaska in late June.

#### Staff Travel

Staff travel has been relatively light since the last Council meeting. Economist Jim Richardson and plan coordinator Jeff Povolny attended an economics, as applied to fishery management plans, workshop at the University of Delaware in early November. From their reports it was a good one and should be directly useful to some of the things we are trying to do with FMP's. Other staff members attended the public hearings I have already mentioned and several went to plan development team meetings or workshops in either Juneau or Seattle.

#### Fishery Management Plan Status

The current status of each of the fishery management plans we are working on is included as attachment (a) of this report. Generally, they are all active. Some are still on schedule, such as Tanner crab. Others are falling behind for various reasons.

#### Status of the Staff

And finally, with sadness, I announce the resignation of Maggie Duff effective December 19th. Her plans are not definite, but include a visit back to Ireland and family for a few months.

We are recruiting for a plan coordinator to replace Maggie. Current assignments for plans to the Council staff are Salmon and Herring to Jim Glock, Gulf and Bering Sea Groundfish to Jeff Povolny, with the new plan coordinator to handle the crab plans. In the meantime, Jeff is keeping tabs on both the crab plans.

12/4/80

AGENDA B-1(a)  
December, 1980

STATUS OF FISHERY MANAGEMENT PLANS

1. Salmon FMP

The 1981 amendment package was released to public comment on October 22, 1980, and the comment period will end on January 8, 1981. The PDT will discuss the amendments separately on December 9 and meet with the SSC Salmon Subgroup on December 10. The amendments will be before the Council in January for final approval to go to Secretarial review.

The Supplemental Environmental Impact Statement has been drafted and is awaiting a preferred option. The Draft Regulatory Analysis is just being completed.

2. Herring FMP

A revised draft of the FMP was sent to the Council, AP, and SSC on November 14, 1980. The Council may approve this draft FMP to go to the Secretary of Commerce as the Council's recommendation for management of the herring fishery in the eastern Bering Sea.

The Final Environmental Impact Statement and Regulatory Analysis are now being completed and will be available shortly after the December meeting to go with the FMP to the Washington office NMFS.

3. King Crab FMP

The Council, on September 26, 1980, approved the draft FMP to go out for public review. A summary of the FMP was sent to ADF&G field stations in mid-September prior to tank inspection and the FMP was distributed to the public on September 30. Since mid-October, public hearings have been held in Dutch Harbor, Nome, Seattle, Kodiak, and Anchorage. The public comment period ends December 15. In February, 1981 the FMP was to be up for final Council approval to go to the Secretary of Commerce for review.

A complication has arisen wherein the draft EIS sent to NMFS for review has been rejected for lack of a preferred option in the FMP. No formal written notice of rejection has been received by the Council staff as of December 4.

The Regulatory Analysis, in initial draft form, is being held in abeyance pending resolution of the preferred alternative problems.

4. Tanner Crab FMP

In September the Council approved the 1981 amendment package (amendment #7) to go to public review and the amendments were sent to the public on October 22, 1980. Public hearings were held in Nome, Seattle, Kodiak, and Anchorage. The public comment period ends December 9. At the December meeting, the Council will formally consider the amendment package to go to Secretary of Commerce review.

An Environmental Assessment for the 1981 amendments has been completed. A determination of non-significance for both environmental impacts and regulations is being requested.

Amendment #5, which applied to the 1980 fishery and reduced TALFF to 7,500 mt, finally became effective on November 1, 1980.

Amendment #6, which provides for various minor technical changes in the FMP, was to be published in the Federal Register as a Notice of Proposed Rulemaking in early December. The comment period will end January 18, 1981 and the amendment should be implemented by late January.

#### 5. Gulf of Alaska Groundfish FMP

Amendment #10, to close the Eastern Regulatory Area to foreign trawling, will be considered by the Council in December to go out for public review.

Amendment #9, which replaces six small fixed gear areas around Kodiak with a large area bounded by the Lechner line, was approved by the Council in July to go to Secretarial review and was sent to Leitzell on August 13. Implementation is planned for March, 1981.

Amendment #8, which among other things, changes the plan year to January through December and eliminates any expiration date, became effective on November 1, 1980.

Proposals for 1982 amendments have been called for beginning on September 26, 1980. Deadline for receipt of proposals is January 1, 1981.

#### 6. Bering Sea/Aleutian Island Groundfish FMP

Implementation of the FMP is being held up until NMFS responds to comments on the draft EIS. Implementation probably will not occur until March 1. The final Regulatory Analysis still needs approval by Commerce's Chief Economist.

The 1981 amendment, or amendment #1, has been the subject of hearings in Dutch Harbor, Bethel, Nome, Seattle, Kodiak, and Anchorage. The public comment period will close on January 1, 1981. Final Council approval to go to Secretarial review is scheduled for February.

Amendment #2, to increase initial DAH for yellowfin sole and other flatfish to accommodate joint venture operations, was approved in September by the Council to go to Secretarial review. This amendment will probably be approved easily, but must await the implementation of the FMP. The PMP is being changed now to accommodate this amendment.

Proposals for 1982 amendments have been called for beginning on September 26, 1980. Deadline for receipt of proposals is January 1, 1981.

NPFMC ACTIVITIES

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
DEC	28	29 Begin Sec. Review of Tanner Crab 81 amend. & Herring FMP	30	31	1 Deadline: '82 ground- fish proposals and public comments on '81 BSAT amend.	2	3
JAN	4	5 SSC, AP, NPFMC in Juneau	6 Public Hear- ings - NPFMC and Board	7 NPFMC	8 NPFMC and Board; End public comment on 1981 Salmon amendment	9 NPFMC	10
JAN	11	12	13	14	15	16	17
JAN	18	19	20	21	22	23	24
JAN	25	26	27 Begin Sec. Review of '81 Salmon amendments *	28	29	30 Implement Tanner Crab amendment #6 *	31
FEB	1 Public comments end on GOA 1981 amendments to close E. Reg. Area*	2	3	4 Bering PDT	5 Sea/Aleutian Meeting in Seattle *	6 Islands	7
FEB	8	9	10	11	12 Lincoln's Birthday	13	14 Valentine's Day ♥
FEB	15	16 Washington's Birthday	17	18	19	20	21
FEB	22	23	24 SSC	25 SSC and AP	26 NPFMC	27 NPFMC	28 End. Sec review of Tanner Crab '81 amen & Herring *

\*Approximate dates