

from file
D. Bevan

rec'd 1-22-77
MA

15

December 13, 1976

Mr. John W. McKean, Chairman
Pacific Regional Fishery Management Council
15525 S.E. Riverforest Dr.
Milwaukie, OR 97222

Dear Mr. McKean:

The Scientific Statistical Committee suggests that the following changes to the Interim Regulations be considered:

also in
50pp

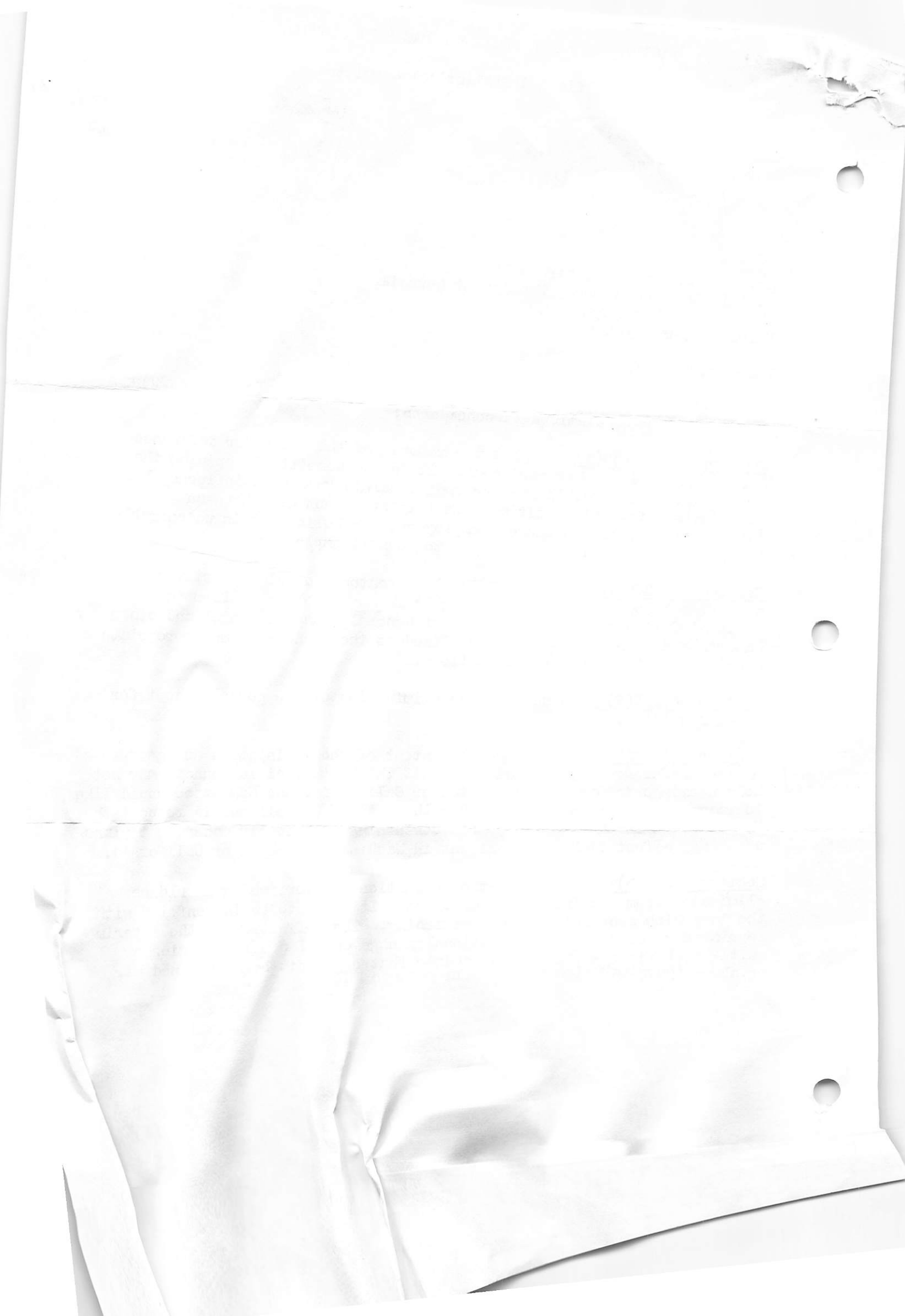
Section 601.23(d)2(i) Suggest the removal of the words "or influence derived from his or her position". It is the Committee's opinion that because it is impossible for the individual to know what influence has been derived from his position that this statement will have an intimidating affect on Council employees. We believe it is undesirable to apply Hatch-act-like provisions to Council employees.

Section 601.23(e)2 We suggest the last sentence should be written to read "legal council on a continuing basis may be obtained from the Regional Office of the NOAA office of General Council." Legal and other experts and consultants may be utilized as the Council deem appropriate consistent with budgetary limitations.

Section 601.23(f)2 We suggest the elimination of the words "except for hotel receipts".

Section 601.24(b)3(III) Since the intent of the legislation as interpreted by the conference report indicates that the North Pacific Council may not hold hearings in Oregon, Washington or California, the Committee would like to raise the question as to whether the Pacific Council should request the Secretary to invoke Section 305(b) concerning any fishery management plans which may affect fishermen resident in Washington, Oregon or California.

Section 602.2(b)1 We believe the definition of overfishing should be eliminated from the interim regulations. It seems to be in conflict with the law, which does not define overfishing. The definition in the interim regulations would prohibit a rational management of a multi-species or multi-stock fishery. It would mandate that each unit be maintained at, or above, ~~the~~ stock size which would produce MSY.



Section 602.2(e)1(II) The last sentence should be reworded to read "The opportunity of new participants to enter into a fishery should be protected wherever feasible and in a manner which prevents excessive fishing effort." The present language may be construed to require unlimited participation by new entrants into a fishery. The act in paragraph 303 clearly contemplates that a limitation on fishing effort through limitations on access to the fishery be one of the tools employed by the Regional Councils. This ability to enter can be protected through provisions for transferability of licenses and by provisions for new entrants into fisheries which are undercapitalized, while at the same time controlling the total amount of fishing effort.

2nd of
11

Section 602.3(b)6(II) The last sentence should be removed. The act clearly reflects the Congressional intent that limited entry and limited access programs be a discretionary tool of each Council. Limited entry is not intended to be utilized only when all other tools have failed to achieve management objectives. The regulation as written removes a portion of the Council's flexibility in an area in which Congress granted a wide range of flexibility.

Sincerely,

Donald E. Bevan
Chairman
Scientific and Statistical Committee

DEB:kjs

