



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Washington, D.C. 20235

F31/CB

MAY 1 1978

Mr. Harold E. Lokken
Chairman
North Pacific Fishery
Management Council
P. O. Box 3136DT
Anchorage, Alaska 99510

Dear Harold:

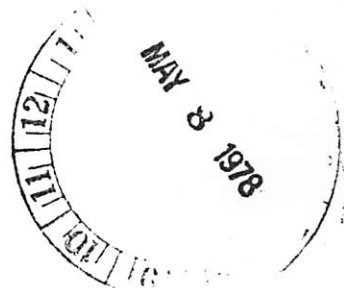
I wish to express my sincere thanks to you and to the other members of the North Pacific Fishery Management Council for the work you have done in preparing the Fishery Management Plan "Gulf of Alaska Groundfish Fishery during 1978." I particularly appreciate the Council's cooperation in modifying some aspects of the plan at our request to minimize the impact on foreign fishing. With the concurrence of Administrator Richard A. Frank, I have approved the plan on behalf of the Secretary.

The publication of the plan and the implementing regulations was delayed because we received a letter from the Department of State (DOS) expressing concern with the total allowable level of foreign fishing (TALFF) for Atka mackerel and "other species." DOS stated that the resultant reduction in TALFF arising from FMP implementation is contrary to the provisions of the 1978 Governing International Fisheries Agreements. We will negotiate with DOS on this issue during the 45-day public comment period on the proposed implementing regulations.

I want to advise you that the following issues need to be resolved during the public review period before the regulations can be implemented:

Delegation of Authority

The FMP provides that the Regional Director shall have authority to implement many of the management measures in this plan. The Office of General Counsel advises me that the Council may not restrict responsibilities for implementation to the Regional Director, therefore, I am treating this provision as a recommendation. I will examine the extent to which redelegation is necessary to implement the plan. Under NOAA Delegation of Authority, I am required to obtain Mr. Frank's approval for the redelegation to the Regional Director.



Enforcement Agreement with the State of Alaska

Under the plan, certain responsibilities relating to licensing, data collection and enforcement would be performed by the State of Alaska. A separate agreement (contract) between NMFS and the State will be necessary. I would appreciate further assurance that the State of Alaska has the 1978 capability to receive and monitor the DAH, FAC, OY and reserve data necessary to implement the FMP.

Observers

The requirement for domestic observers raises three problems:


1. How is this program going to be paid for;
2. Under the FCMA can we require domestic operators to pay for accommodations for observers; and, if not, how will these costs be paid; and
3. Does this program violate any protections of the Fourth and Fifth Amendments?

I will ask GCF to do further research on 2 and 3, and I would appreciate your comments as to 1.

I have taken action to publish both the approved plan and proposed rule making in the Federal Register. The FMP and proposed rules will be open for a 45-day period of public comment. The Council's comments will be especially welcome.

Please convey to the members of the Council and your staff my appreciation for their efforts, patience, and cooperation during the extensive Secretarial review period. I look forward to further collaboration in this and other fishery matters in the future.

Sincerely,


Terry L. Leitzell
Assistant Administrator
for Fisheries