

M E M O R A N D U M

TO: Council, AP and SSC Members

FROM: Jim H. Branson *JH*
Executive Director

DATE: September 19, 1984

SUBJECT: Herring Fishery Management Plan

ACTION REQUIRED

D-1(a) Decision on herring research.
D-1(b) Petition for Secretarial FMP. Information only.

BACKGROUND

D-1(a) Herring Research

The Council, acting on a motion by Bob McVey at the May meeting, tabled the Bering/Chukchi Sea Herring FMP pending collection of biological data necessary for management of the fishery. The Council attempted to gather these data through a Request for Proposals (RFP) circulated to the fishing industry.

The RFP requested bids from the fishing industry to provide vessels for research platforms for the data collection program, vessel time to be compensated in either dollars or herring. We received no proposals. In the meantime we have been told that research dollars for vessel time or even scientific support for the program are not available to the Council. It is apparently impossible for the Council to generate the data necessary for FMP development in any case.

There is another possibility for data. The Magnuson Act, as amended by PL 97-453, in Section 303(e), states that "(i)f a Council determines that additional information and data . . . would be beneficial for purposes of

- (1) determining whether a fishery management plan is needed for a fishery; or
- (2) preparing a fishery management plan;

the Council may request that the Secretary implement a data collection program for the fishery which would provide the types of information and data . . . specified by the Council. The Secretary shall approve such a data collection program if he determines that the need is justified, and shall promulgate regulations to implement the program within 60 days after such determination is made."

Also, Section 304(e) states that "(t)he Secretary shall initiate and maintain a comprehensive program of fishery research to carry out and further the purposes, policy, and provisions of this Act. Such programs shall be designed to acquire knowledge and information, including statistics, on fishery conservation and management, including but not limited to, biological research concerning the interdependence of fisheries or stocks of fish . . . and other matters bearing upon the abundance and availability of fish."

These two provisions of the Act appear to apply to our current Bering Sea herring problem. The Council may feel it would be appropriate to request the Secretary to initiate such a data collection program. The question of funding will still be unanswered of course and the Secretary's obvious response will be: "What program shall we cut in order to fund your request?" Our probable answers to that question are unlikely to be satisfactory to the Secretary.

D-1(b) Coalition for Open Ocean Fisheries Petition for Secretarial FMP

The Coalition for Open Ocean Fisheries has petitioned the Secretary to develop and implement a Secretarial FMP. Bob McVey has discussed this petition with industry and will discuss the federal response with the Council.