

V. DRAFT RECOMMENDATIONS FOR THE FUTURE OF FISHERIES MANAGEMENT

The eleven recommendations in item V(1) covering policy, information, and funding resulted from the Council Chairmen's meeting on November 3-4, 1983, in Biloxi, Mississippi. Jim Campbell, Harold Lokken and I attended the meeting and I've included under item V(2) minutes of the discussion pertinent to the recommendations. These minutes already have been worked over pretty thoroughly by Wayne Swingle of the Gulf Council and are difficult to improve on.

The recommendations were drafted by Roland Finch of the NMFS Central Office. On a motion by Jim Campbell, the Chairmen voted unanimously to obtain a general concensus of opinion or modification from the Councils regarding the recommendations. There was considerable discussion of improving the Councils' involvement in the budget process which is also included under item V(2).

We will have discussed many of the recommendations on preceding portions of the agenda. Under this agenda item then, we should try to summarize relevant comments so I can pass them on to Wayne Swingle for further synthesis with those from the other Councils.

*Draft Recommendations for the  
Future of Fishery Management*

*Policy*

1. *Each Council and NMFS region, working together, should set specific, and to the extent possible, quantified objectives to be reached by 1990 or an earlier specified date for each fishery to provide a basis to:*
  - a) *Reshape FMPs progressively to meet the objectives, and*
  - b) *Enable NMFS to redirect its policies, programs and budgets to help meet these objectives.*

*Such plans should provide for a regime that permits a maximum continued use of stocks, equitable allocation to users, and provides fair opportunities for recreational fishermen and the full and efficient use of the commercial quota by domestic fishermen and processors.*

2. *Fisheries should be promoted as a national objective.*
3. *Councils should be involved, ~~where appropriate~~, in the preparation and modification of fishery management policy.*
4. *Examine and make recommendations on efficiency in fishery management measures as it relates to overfishing, overcapitalization, and financial assistance programs.*
5. *Councils should reconsider their internal processes to increase their efficiency and coordination with adjacent Councils, and provide better communication with the public.*
6. *Review the fishery management plan process to streamline and reduce complexity and simplify documentation needs.*
7. *Council management decisions should be based on a full consideration of alternative measures for reaching the objectives and their impacts on the resource, the habitat and the users.*
8. *Examine and redefine federal government, Council and state roles in the fishery management process.*

*Information*

9. *Review and evaluate improved systems to provide adequate biological, economic and social data needed for fishery management, to acquire, analyse and report monitoring data on a real time basis, and to consider the impacts of displacing foreign by domestic fishermen on the reliability and precision of data.*

*Funding*

10. *Find ways to provide additional funding to Councils or to reorganize the present use of funding to ensure long range stability and to increase and improve Councils public communication.*
11. *Increase the role of Councils in budget preparation and allocation.*

lod: 4/5/84

M I N U T E S

REGIONAL FISHERY MANAGEMENT COUNCIL CHAIRMEN'S MEETING

NOVEMBER 3-4, 1983

BILOXI, MISSISSIPPI

Regional fishery management council chairmen, vice chairmen, executive directors, and NOAA/NMFS legal and administrative staff met at the Biloxi Hilton from November 2 through November 4, 1983. The meeting was chaired by Alex Jernigan, Chairman of the Gulf of Mexico Fishery Management Council. The following persons attended the meeting:

New England Fishery Management Council

Patrick L. Carroll, Chairman  
Edward W. Spurr, Vice Chairman  
Douglas G. Marshall, Executive Director  
Guy D. Marchesseault, Deputy Executive Director

Mid-Atlantic Fishery Management Council

Robert L. Martin, Chairman  
Rick E. Savage, Vice Chairman  
John C. Bryson, Executive Director

South Atlantic Fishery Management Council

Melvin R. Daniels, Jr., Chairman  
John F. Colburn, Vice Chairman  
David H. G. Gould, Executive Director

Caribbean Fishery Management Council

Jose Luis Campos, Chairman  
Arthur E. Dammann, Vice Chairman  
Omar Munoz-Roure, Executive Director

Gulf of Mexico Fishery Management Council

Alex M. Jernigan, Chairman  
William S. Perret, Vice Chairman  
Wayne E. Swingle, Executive Director  
Lynne O'Donnell, Administrative Assistant  
Judith A. Kilfoile, Secretary

Pacific Fishery Management Council

John R. Donaldson, Chairman  
Joseph C. Greenley, Executive Director

North Pacific Fishery Management Council

James O. Campbell, Chairman  
Harold E. Lokken, Vice Chairman  
Jim H. Branson, Executive Director

Western Pacific Fishery Management Council

Wadsworth Y. H. Yee, Chairman  
Peter E. Reid, Jr., Vice Chairman  
Kitty M. Simonds, Executive Director

NOAA/NMFS

William G. Gordon, Assistant Administrator for Fisheries, NMFS  
Robert McManus, General Counsel, NOAA, Washington  
Joe Angelovic, Deputy Assistant Administrator for Science and Technology, NMFS  
Roland A. Finch, Director, Office of Fisheries Management, NMFS  
Howie Hockman, Management and Budget Staff, NMFS  
Harvey Hutchings, NMFS Northwest Region  
James Brooks, NMFS, Alaska Region  
Herbert Larkins, Northwest Regional Director, NMFS  
Carmen J. Blondin, Deputy Assistant Administrator for Fisheries Resource  
Edgar Bowman, NMFS, Northeast Region  
Jack Brawner, Southeast Regional Director, NMFS  
Loretta Williams, NMFS, Washington  
Gary Smith, Southwest Region NMFS  
Jay Johnson, General Counsel Fisheries, NOAA  
Craig O'Connor, NOAA General Counsel, Southeast Region  
James H. Czerwonky, Policy & Planning Staff, NOAA/NMFS, Washington  
Tom Billy, Acting Director, Northeast Region, NMFS

Observers

Larry Simpson, Gulf States Marine Fisheries Commission  
Perry Thompson, Gulf States Marine Fisheries Commission  
Grant Donaldson, National Fisherman  
Gerald P. Montoya, U.S. Department of Commerce, Washington

Introductions and Adoption of Agenda

The meeting was called to order by Chairman Alex Jernigan at 8:40 a.m., on Thursday, November 3, 1983. The agenda was adopted as written.

o Future of Fisheries Management Under the Magnuson Act

Problems and Accomplishments

.... Mr. Carroll noted many members of the New England Council felt one of the major accomplishments was elimination in the near future of direct fishing by foreign fleets off the east coast. Other issues raised by members were the delays associated with NEPA, NMFS, regulatory review and OMB review; in one case, the whole Council approach was considered to be the most awkward bureaucratic, time consuming method yet devised, and needed

streamlining to shorten the timeframes involved in plan formation, implementation and amendment. The future of the Council as a forum for marine fisheries management depended upon nonpolitical selection of members, the minimum interference on the part of DOC, NOAA and NMFS, and adequate funding. Improvements should be directed towards coordination, cooperation and compromise with all agencies concerned. The New England Council believed part of the reason for the progress made was the constant and continuing use of advisory panels and the opportunity for full public participation. Mr. Carrol advised one member felt the Councils had encountered problems because they had attempted to do too much, too quickly, and had believed there were increasingly complex technical solutions to each issue.

The majority of members commented regarding the roles of the Councils versus that of NMFS in the development of management plans. There appeared to be a question regarding to what degree each of the agencies had the responsibility for the development of plans, and these roles needed to be clearly defined.

.... Mr. Martin advised the Mid-Atlantic Council Mackerel, Squid and Butterfish FMP created a fishery and domestic market where none existed before and the Surf Clam FMP addressed limited entry. The greatest achievement was to gain the confidence of all fishermen and the public-at-large concerned in the conservation and harvest of the resource. He felt the Council members recognized their responsibility regarding conservation of the resource and habitat protection.

.... Mr. Daniels noted the South Atlantic Council felt a degree of cooperation was being achieved not only with NMFS/NOAA and the agencies, but amongst the other Councils as well. He expressed appreciation for the assistance rendered by NMFS and NOAA, and reiterated the importance of liaison between neighboring Councils. The Council recognized the significance of obtaining advisory panel input from the planning stage of the FMP throughout its completion.

He advised many problems encountered in plan development could be overcome with closer cooperation between the Councils, especially in multi-Council projects, and urged close cooperation with local governments in environmental projects.

.... Mr. Campos noted technical information had been very limited for the Caribbean region and there was no history of state management. The type of fisheries have a tremendous importance to the islanders from the socioeconomic point of view as in many areas they constitute the principal source of income. At the same time, the resource is so fragile that in order to maintain it in a healthy state, careful management has to be carried out to balance the fishing pressure and the socioeconomic needs with the available resource. The Council has been able to substantially improve the data base and collection of information, and NMFS was giving greater consideration to research requirements. He briefly reviewed the current status of several FMPs developed, and in the process of being developed by the Caribbean Council. As the Council's boundaries overlap five nations, it has become the established forum for identifying the requirements for maintaining U.S. interests.

- .... Mr. Donaldson noted the Pacific Council had attained closer coordination with the states through FMP development, together with an improved relationship with NMFS. One problem encountered was that a plan, once implemented, required constant monitoring, and adequate funding needed to be made available. The groundfish plan was structured with a framework measure to allow in-season adjustment, as necessary, and it was proposed to adopt a similar approach in the salmon plan.
- .... Mr. Yee advised a major problem faced by the Western Pacific Council was the size of the area to be managed, approximately 1.5 million square miles, and in this connection, surveillance by U.S. Coast Guard. The Council was able to assist in marketing aspects, especially with regard to Hawaii. The floating fish aggregation devices had proved to be very beneficial to many fishing communities. Interregional cooperation existed with the many foreign nations which bordered the Council's area of jurisdiction. Council members had been able to attend fishery symposiums and exchange ideas. The Council was represented at the recent FAO Conference in Rome, and had established a five-year management program for annual review. To date, two management plans were implemented for spiny lobster and precious coral. Overall, the conservation program had proved to be very helpful in the Pacific area.
- .... Mr. Campbell commented the North Pacific Council was also concerned with the role the Councils play in the development of FMPs, and also with U.S. foreign policy decisions as they affect fisheries.
- .... Mr. Branson added the North Pacific Council had played a major or leading role in the many changes which had taken place in their area of jurisdiction since 1976. At that time the fishery off Alaska was predominantly foreign, taking well in excess of two million tons of fish annually. The immediate aim of the Council was to stabilize the stocks, some of which were in poor shape, and to change the fishery from almost solely foreign, to a U.S. fishery. The stocks of yellowfin sole, pollock and cod fish have improved and been stabilized; there was some improvement in sablefish, but none in Pacific ocean perch. The domestic fishery for groundfish increased from under 2,000 tons per year to over 350,000 tons by 1983. Much of the domestic catch was processed by foreign entities through joint ventures. One problem to be faced in the future was conversion of joint ventures into a purely U.S. operation. The Council had developed an active program to reduce the incidental catch of prohibited species by the foreign fishery, and this action had greatly improved the stocks of halibut and the salmon resource in some areas.

He noted the Council has relatively little management control over the salmon fishery as it was controlled by the State of Alaska. However, the FMP did close the FCZ from three miles offshore, and provides for state management of the resource except the troll chinook salmon fishery off southeastern Alaska. This resource was shared by Alaska, Canada, Oregon and Washington. The Council established a rebuilding program for the chinook stock to return it to optimum escapements within 15 years. Nothing had been accomplished with regard to the coastwide salmon problem, primarily because there was no treaty with Canada.

The Council developed a framework FMP for the king crab resource in the Bering Sea which allows the state to continue its management regime developed over the past 20 years, with review by the Council and NMFS to ensure the regulations and management complies with the Act and other applicable laws.

Mr. Branson felt great progress had been made in fishery management because the Councils were a continuing forum for research, and management discussion, and for cooperation between all the various fishing entities in each region. The North Pacific Council was involved in program to investigate and assess the relationship between marine mammals and the fisheries.

Although accurate data was obtained from observers on board foreign vessels in the groundfish fishery, this was likely to become a problem as the fishery became entirely domestic.

.... Mr. Perret reiterated the one basic problem encountered in the development of any fishery management plan was that of having inadequate data available. Although progress had been made in developing better data bases, it was still a problem and should be considered of paramount importance.

He advised by 1979 the Gulf Council, alone or in cooperation with South Atlantic Council, had completed five draft FMPs or profiles for the stone crab, shrimp, mackerel, reef fish, and coastal herring fisheries. During 1980 an additional five draft FMPs were completed for the spiny lobster, coral, Gulf billfish, groundfish, and shark fisheries. These ten draft FMPs and profiles covered the major fisheries of the Gulf region and provided the Council with the basic information necessary for management and the vehicle to provide for management. Although subsequent decisions were made that three of the fisheries (shark, groundfish, and herring) were not currently in need of management, the problems that triggered plan development appeared real when the work was initiated.

Three of the fisheries, shrimp, spiny lobster, and stone crab, were essentially commercial fisheries. These fisheries are characterized as open access, high product value fisheries with intensive participation in terms of vessels and gear utilized in the fisheries. Problems encountered in these fisheries included conflict between fishermen for fishing area, growth overfishing of stocks in some areas, overcapitalization, and harvest levels equalling or approaching MSY. All three fisheries had substantial harvest from the FCZ and, therefore, management was not possible by the states alone.

He pointed out the benefit occurring to the participants in these fisheries from management under the FMPs has been rather substantial. In 1981 the shrimp fishery gained approximately \$12 million dollars in increased revenue through institution of FMP measures in the FCZ off Texas and Florida which allowed shrimp to grow to a larger size before harvest. However, the measure affecting the Texas fishery did not yield a measurable benefit in 1982 (a low production year) and is being evaluated further.



These FMPs have also allowed the resolution of violent conflicts between shrimp and stone crab fishermen in the FCZ which were resulting in extensive gear loss and lost productivity. These losses were estimated at approximately \$300 thousand in 1979 and \$900 thousand in 1983. The Stone Crab and Spiny Lobster FMPs have instituted size limits in the FCZ that assure continued productivity. Total landings have increased in both fisheries under the FMPs, for example, by one million pounds of claws in the stone crab fishery.

He explained the mackerel and reef fish fisheries are both pursued by recreational fishermen and by commercial fishermen and are both characterized by growth overfishing of some stocks. The problems encountered in developing management strategies for these fisheries included inadequate biological and catch information, intense user group competition for declining resources and rapidly increasing fishing effort. The Mackerel FMP was designed to assure MSY was not exceeded and that each user group would have access to their traditional share of the resource. Allocations of king mackerel were established for each user group, and the fishery was closed upon the allocation being reached. More recent information has indicated that two separate stocks of king mackerel exist, that MSY was overestimated, and that the Gulf stock is overfished. The FMP is being amended.

The Billfish FMP, while not implemented, has been an effective tool in negotiating with the Japanese tuna industry over their fishing activity in the Gulf of Mexico. Through direct negotiation by the Council with the Japanese, harvest levels for tuna and its resultant bycatch of billfish have been reduced, gradually, from 10,000 bluefin to zero with a complete moratorium on the summer fishery for yellowfin tuna. Such reductions have improved billfish abundance and availability to fishermen in the Gulf.

.... Mr. Gordon viewed the system as a partnership, although at times frustrating, had evolved over the seven years into a complex forum for cooperation, research, formulation of management goals and objectives, formulation of a management plan to carry them out, provide for public debate and input, implementation, enforcement and monitoring. In each step of the process, problems had been encountered, but there had also been opportunities and progress. He objected very strenuously to the adversarial positions that had been encountered, some were of a personal nature, some aimed at the agency, but many stemmed from an unwillingness to accept the U.S. was a nation of laws. All too often, the other applicable laws got in the way of the progress everyone had tried to make. As a result of some of the adversarial encounters, there had been blatant, immoral, if not illegal activities. Some actions had been criminally prosecuted. No one was immune from the laws of the U.S. Government. Other national interests also must be considered. Interjurisdictional problems occurred; delegation of authority to the states to carry out management should be a part of the process. There were other international interests and issues which cannot be ignored by either those in the government or on the Councils. A great number of foreign nations had been unwilling to accept the changes made in the mid-1970s; they had strong lobbyists in Washington, visit some of the Councils regularly, and continue to pursue a course that is in their best interest as to what they perceive as the

opportunities of the past, and beginning to accept that change was inevitable. There were many fisheries outside the 200-mile limit, where hasty action had been taken, and which have now begun to develop that have implications on fisheries within the FCZ that are not yet fully understood. He felt there were many challenges to be faced; but, at the same time, excellent opportunities existed for fishery management, development, and a partnership that could achieve what Congress expected when the FCMA was enacted.

- .... Mr. Finch noted concern had been expressed that management regimes implemented when the Act was passed were reactive and not planned; however, seven years information and experience should be an adequate basis to plan future development and if the system fulfilled that proposed by Congress. Substantial achievements had been attained, the management direction of the Act had changed from conservation to a development mode. The law was defined to give added encouragement to U.S. industry to develop those fisheries which were surplus to recreational needs and displace foreign fishing. He felt the amendments had improved the mechanics of the process, and summarized many of the benefits which were attained through passage of the Act.
- .... He noted some of concerns regarding the process expressed during the meeting and which NMFS also recognized as problem areas. The management process was sometimes inadequate, but in some cases FMPs were developed more on an instinct than analytical process. Most delays occurred due to lack of justification for a certain measure, and Councils failed to consider all possible alternatives. In some cases, plans were too inflexible to change quickly. The process was subject to political pressure, but the situation was very unlikely to ever change. Mr. Finch felt inadequate attention had been given to habitat destruction and pollution in the formulation of FMPs. However, the greatest inadequacy of the system was the tendency to deal with the short-term, instead of long-term aspects of the fisheries. Obviously, short-term measures were required, but perhaps they had displaced totally the longer term view. Few of the FMPs contained long-term goals at present, and it was an issue which should be addressed during discussions.
- .... Mr. McManus observed there may be misperceptions regarding the reality of the restraints under which the Councils must work. Although there were many grey areas which did not clearly define what the Councils really are. He considered the Councils to be a fairly bold experiment in a federal system of government and a unique legal entity. He pointed out that Congress intended the Councils to have the major fishery management responsibility.

o How Should Fishery Management be Directed to Better Serve the Nation

- .... Mr. Carroll advised some of his members had expressed concern regarding the Council structure itself, with respect to how operations could be better developed and exercised to better serve the public. In some instances, members of the Councils because of local pressures, find themselves overlooking and overshadowing more qualified persons who could probably serve far better in that position than the person appointed. He

felt the Councils should assume responsibility for some of the delays which occur. The size of membership in the New England Council occasionally produced very lengthy discussion of topics, and these subjects inevitably arose time and again consuming much time. To better serve the public, the Councils should first consider themselves before criticizing others in the process of management. The role of the individual member was very important, and was a full-time process if members wished to accept their full responsibilities. He reiterated the importance of close cooperation between neighboring Councils.

In summary, he advocated closer Council involvement with the public and additional funding would be required in order for this desire to be fulfilled. Increased support and cooperation would be obtained from the public if they better understood the role and responsibility of the Councils. The Councils should be more involved in the budget process, apart from their preliminary submission.

- .... Mr. Martin commented in order to better serve the nation, fishing and fishery management must become a national priority. In the case of the Mid-Atlantic Council, resolving the issue regarding states' territorial waters was of the utmost importance. It was very difficult for the Council to propose management measures where half of the stock was in state waters. Other issues which needed to be addressed were pollution and habitat protection. He also supported close cooperation between adjoining Councils, as many of the stocks overlapped, and should be managed jointly.
- .... Mr. Daniels agreed with the points already discussed, adding the importance of fishery management had been recognized, especially by the coastal states. Future management required the accumulation of a better data base of the resources, their condition and the effectiveness of the plans. Due to the ever-changing conditions of the stock, Councils should make more use of plan amendments. He advocated paying very close attention to the advice proffered by user groups and the Councils' various advisory committees. As in any organization, the Council was in a three-way partnership with the agencies and user groups, and stressed the importance of Council involvement with the public. Politics were a necessary part of the system, and the Councils need contacts who could reach the public and those who made the laws. The system was working, and he expressed great optimism for the future.
- .... Mr. Campos felt although the present approach to management was sound, it required refining. The Councils should not only develop plans for fisheries that are in a state of overfishing, but consider the aspect of preventative management. More data gathering plans and monitoring programs for fisheries were considered important, no matter the state in which they are presently. Adequate funding was required to gather all the needed information for Council adoption of the best management measures, to accomplish the goals and objectives under the Act. Planned development was recognized as being a part of management, thus the Councils should be legally empowered to become involved in the development aspects of fishery activities within their jurisdiction.

- .... Mr. Donaldson recognized the dynamic nature of FMPs, the need for flexibility, and development of imaginative approach to fishery management. The system was currently too time consuming, and although improvements had been made, more were needed in the future. The relationship between the Councils and NMFS regional offices was important to accomplishing objectives on a local level. He stressed the need to improve the present data base, to include not only the availability of analyses on a real-time basis but, more importantly, to adequately recognize economic and social concerns. Without sufficient up-to-date data it was impossible to make the correct management decisions. Another concern was the issue of overcapitalization/overharvest in the fisheries and the need to overcome this situation. He proposed formation of a task group, comprising of Council members and NMFS, to address each of the above issues and report to the Councils.
- .... Mr. Yee recommended adopting a system to define what was needed as 'best scientific information' as this may help alleviate some of the delays experienced in the past. He requested direction from Washington to indicate Council involvement in the development of fisheries in the region. The Council should be able to participate in treaty negotiations between the U.S. and the Pacific islands. He felt national interests in tuna policy should be re-examined in relation to the impacts on the western Pacific islands.
- .... Mr. Campbell noted in order to have long-range planning, it was necessary to have long-range funding. Presently, programmatic funding was limited to short-term studies and in some stocks there was a definite need to examine the long-term trends.
- .... Mr. Branson felt it was possible to make several interpretations of the laws and regulations under which the Councils had to work, and suggested allowing the maximum flexibility. One real problem was that the Councils' approach to management should provide for long-term accomplishments or goals, and fisheries could no longer be managed as they have been in the past. It was ridiculous to persist in decreasing the efficiency of the industry perpetually in the hope of balancing effort against availability of the resource. A change in the approach to management was required to provide for increasing efficiency in the fisheries, and the Councils' real responsibility was to the nation, not simply the fishing industry.
- .... Mr. Perret advised fishery management should continue to provide for access to the resource for all the people of the United States, i.e., to the recreational fishermen and to the seafood consumer through the commercial fishermen. It also should continue to provide for aesthetic enjoyment of the resources, such as coral. The Gulf's fishery resources and fisheries must be examined realistically from the prospective of current and future trends in availability of resource, fishing participation levels, and product demand. Issues that must be explored include: (1) impact on consumer price, harvest efficiency and commercial profitability of open access, overcapitalized fisheries; (2) relative economic and social value of certain fishery stocks to recreational and consumer demand and markets; (3) expected trends in fishing participation levels associated with changes in resident and tourist populations, and

their demand for fishery products or fishing opportunity, and (4) the ability of available stocks to provide for increased fishing opportunity to recreational participants and seafood products for domestic and foreign consumers.

He noted the Council felt fishery management should be structured to accomplish the following: (1) divert some of the existing effort from traditional, fully harvested species to underutilized species; (2) maintain and rebuild fishery stocks; (3) fairly allocate limited stocks between individual fishermen harvesting the resource; (4) improve efficiency of harvest and profitability in some traditional commercial fisheries, and (5) assess the relative value to the nation of certain stocks competitively sought by recreational and commercial users and to allocate these stocks among user groups based on the greatest benefit to the nation.

He stressed the importance of states' representatives on the Councils contributing as much as possible in the meetings, and the need to ensure wider exposure to the general public of what the Councils are and what they are attempting to do.

.... Mr. Gordon felt it was imperative to give serious consideration to where we go from here, because actions taken during the next five years may well shape the position and strength of the industry in the 1990s. In general management policy, declines in funding is a problem. The philosophy held by the Administration of strengthening the role played by the states required a redefinition of whether each fishery needed federal management, or if the states should take responsibility for managing those fisheries, assuming the burden of funding when in the interest of their constituents. The cost of fishery management in relation to the benefits should be considered, as well as ensuring the fisheries are managed to the greatest possible benefit to the nation. Although the need for better data was recognized, the industry was unwilling to support information collection.

He supported regionalization, noting the Regional Directors should recognize they were regional representatives of National Marine Fisheries Service, to work with the Councils and to carry out the national policy. Objectives should balance user expectations within national interest, and reflect solid, long-term goals. The goals and objectives should be clearly defined, unambiguous and quantified. Management measures should be based on adequate analysis and comparison of alternatives. The alternatives should be presented in the RIR and be the basis for the Council's decision making, not developed subsequently to support the decisions. The public should have access to all alternatives during the review process. No changes in management strategy should be made without adequate public review. FMPs needed to cover management throughout the range of the fishery to be addressed, including state commitments for compatible regulations. Although the achievement of economic stability had been discussed, some fisheries today had undergone significant instability, with large defaults and the resultant lack of confidence from the investment community.

Areas requiring consideration were the question of reduction in enforcement burdens on both the industry and government and more effective use of the foreign fee schedule until foreign fishing had disappeared. Data collection, the reliability of statistics, the burden of reporting which can be imposed on domestic fishermen taking into account the Paper Reduction Act, were all areas needing careful consideration.

Mr. Gordon pointed out very few FMPs being developed examined the question of limited entry as a management alternative. The advantages and disadvantages should be included to educate the fishermen at the present time, to prepare them to consider what could be accomplished by instituting such a management regime. It might possibly be the only option available to ensure domestic fishermen can compete in those markets where international goods are traded.

In conclusion, NMFS would need to modify their programs and leadership, particularly with regard to the international aspects, and better communication between all facets of the industry may lead to a greater understanding of what is needed to successfully manage the U.S. fisheries. There was a greater need for mitigation and enhancement of habitat, the construction of artificial reefs, and hatcheries, habitat policy and research support for the environment were also areas of great importance. He recommended involvement of the Councils regarding S-K funding to ensure the federal loan program did not adversely affect fishery management. Although the majority of Council members did an outstanding job, there were some who did not, and they should be replaced using the procedures in the amended Act. He reiterated the need to educate the fishing constituency as to the reasons the Councils were in existence, the job they were endeavoring to do and what was trying to be achieved.

- .... Mr. Bryson pointed out the Councils were created with a degree of independence, and had a responsibility to review the current situation and not simply develop plans within the existing policy. Policy changes should be suggested by the Councils if they were felt necessary to attain better management of the resources.

o Where Do We Go From Here - Requirements for Improved Fishery Management

- .... Mr. Carroll noted one area of concern expressed by members of his Council was the question of access to confidential data.
- .... Mr. Spurr recommended allowing the states to have a more active role in FMP development and once promulgated, the regulations should encompass waters to the shoreline.
- .... Mr. Colburn praised the assistance the South Atlantic Council had received from the NMFS Regional Office.
- .... Mr. Campos reiterated the necessity of strengthening the Council's approach to fisheries management. The ultimate objective of fisheries management and development was the most complete rational use of the national fisheries resources by U.S. nationals. Thus, governmental

fisheries programs should be addressed in this direction. In his opinion, the proposed creation of the U.S. Fisheries Development Corporation was a sound and logical step in this direction.

- .... Mr. Donaldson repeated the advisability of establishing an Ad hoc task team to consider ways to improve the present biological, social and economic data base and the question of overcapitalization.
- .... Mr. Yee noted problems which had been experienced with regard to CZM consistency, and felt its elimination, enabling direct liaison with the states would enhance the management process.
- .... Mr. Branson felt the Councils should be included in the NMFS budgetary process, particularly in the preliminary stages. Involvement in the issues and problems discussions during the various stages of review could clarify many of the points to be addressed, and speed up the process. Thirdly, he recommended withdrawing the vessel loan program as it was contributing to the overcapitalization of the fishing industry.
- .... Mr. Perret commented the nation's population density was shifting toward the sunbelt states. By 1990, Texas and Florida would be two of the nation's three most populous states. Within the Gulf states, the population shifts are toward the coastal areas. All of these persons expect to share in access to the marine fishery resources.

As a result, future fishery management trends would be toward more stringent regulation of highly exploited fisheries to insure they are not overfished. Major expansion in fisheries will have to be directed toward underutilized stocks. Realistic limitations will have to be placed on the number of participants and gear in some fisheries. Difficult decisions on user group allocations will be required. Fish restoration projects, such as stocking and creation of habitat, may be required. Because of the increasing fishing pressure, information on the fisheries must be more precise and timely to allow proper management. Management systems will need to be more flexible and provide for rapid response time for inseason changes.

- .... Mr. Finch briefly summarized the more important recommendations made during discussion, and reviewed a written assessment (attached) to address the items in detail.
- .... Mr. Carroll felt some of the items required indepth consideration and suggested each Council be allowed to review the document and forward comments to the Gulf Council. The Gulf Council could summarize all comments for distribution.
- .... Mr. Campbell moved for each Council Chairman to obtain a general consensus of opinion or modification regarding the recommendations from his Council, which should be sent to Gulf Council staff. These comments would be combined giving an indication of the positions taken by the Councils. Motion carried unanimously.

o Use of Secretarial Authority to Address Fishery Management Outside or Inshore of the FCZ

- .... Mr. Johnson summarized issues raised by regulations in the Gulf Council's Reef Fish FMP. He noted the need to explain specifically the intent of the proposed regulation, and to carefully review each one to ensure the states could not legitimately conclude the Councils were trying to usurp their management responsibilities. Although a strong argument, based on legislative history, could be made that the federal government should not become involved in invoking management measures to regulate fishing within state waters, Congress did not address possession limits. The General Counsel's office was urging its regional attorneys to look closely at the issues to see if there were types of measures which could be used to enforce fishery management plans more effectively and should also apply to state waters.
- .... Mr. McManus pointed out there was division of staff opinion on the question, but he felt the role of the General Counsel's office was to assist the Secretary and Councils to do that which they wished as a policy choice, however, there also should be flexibility. He reiterated the need for the Councils to pay greater attention to the scope of the area to be affected by FMPs.

o Final Statement

- .... Mr. Martin advised the Councils should become involved in long-range planning, and separately should address the question of broad policy.
- .... Mr. Perret reiterated the importance of cooperation between the Councils and the states in management of the fishery resources, together with the need to adequately address habitat and habitat protection.
- .... Mr. Gordon noted fisheries, in the past, had generally been neglected as part of the U.S. economy, and those involved in the industry, apart from wanting to end foreign fishing activity, had given very little thought to future needs. If the goals contained in the Magnuson Act were to be achieved, it required state, Council and industry cooperation. He suggested each Council, in conjunction with the Regional Directors, should set forth a realistic plan for achieving these goals in each fishery within their jurisdiction. A review of the projections by both state and federal government would greatly assist in long-term planning, with regard to funding, etc. A plan to address the future of fisheries could be developed, it should be flexible, and give a very clear basis in order to obtain a commitment of effort from all participants in the fishery.
- .... Mr. Lokken inquired how the ideas which had been advocated could be reconciled with present Administration policy of removing the burden of the government from industry. Mr. Gordon responded there was a role where management could be minimized in managing common resources, but the largest problem would be convincing the public it was the best solution.
- .... Mr. Jernigan suggested during discussion accumulating a list of questions which the proposed Ad Hoc Task Team could address.



.... Mr. Donaldson noted his intent was to appoint a separate task team for each issue, which needed to be clearly defined with an exact time limit. He suggested putting forward a final recommendation after the agenda had been completed.

o Budget - NMFS and Council FY 1984 Funding Levels and Future Outlook

.... Mr. Czerwonky noted the 1984 Continuing Resolution had left NOAA/NMFS with a budget of approximately \$173.5 million, and the Conference Committee would increase the budget to approximately \$176 million. One device used to offset some of the budget appropriation authority was the availability of Saltonstall-Kennedy (S-K) receipts. While the Continuing Resolution was at \$173.5 million, the actual amount would be approximately \$151 million (with Congress applying approximately \$23 million from S-K as an offset). He briefly summarized the items proposed for reduction in FY 1984 by the Administration, which amounted to approximately \$54 million. It was anticipated that a \$300,000 reduction would be made, probably to the Councils' programmatic budget.

.... Mr. Gordon added the 1985 budget had been submitted to OMB, with a base level of \$108 million, and the future outlook, indicated all budgets would be under very close scrutiny. Although the fisheries budget had undergone very close inspection in recent years by the Administration, Congress had rejected their proposals, and some level of restoration of funds had been made. However, there appeared very little likelihood of an expanded budget, and it might be necessary for the agency to change direction. He reiterated the need for Councils to work with the Regional and Center Directors to lay out perceived priorities, in an attempt to build a strong budget.

.... Mr. Branson felt Council involvement with the Regional and Center Directors in the initial stages of future budgetary planning was crucial, and would benefit everyone concerned enabling a better understanding of the background surrounding the planning procedure.

.... Mr. Gordon foresaw no statutory limitations to prevent Council participation in discussions at regional level regarding formulation of the 1986 budget.

.... Mr. Lokken inquired when the budget process became confidential. Mr. Gordon explained that once it was sent forward to NOAA there would be very little opportunity for Council involvement.

o Impact of Funding Levels on Council Effectiveness

.... Mr. Greenley felt there was no question that any reduction in funding reduced the Councils' effectiveness. Continuing plan amendments and annual and inseason management measures require more time, particularly in the administrative area, as well as more meetings of the Council, SSC and APs, and holding public hearings. Resource users are demanding more and better data upon which to base management measures. Short-term research, on-going data collection, analysis and team monitoring still, and will continue to, require significant funding if the objectives of the

plans which have already been adopted are to be met. He pointed out there was a heavy reliance upon NMFS Region to do some of the work the Council should be doing. At level funding the Councils' ability to function is reduced due to increases in members salaries, travel costs, and meeting costs. The level of programmatic funding should be maintained; however, as an alternative, the costs of these activities could be transferred to other funding sources.

He considered the problem of funding was very basic to the effectiveness of the Councils. Recognizing the Council budget was a small part of NMFS total budget, future direct and indirect funding will reflect to a large part where Councils fit in the order of priorities. It was probably time to look for alternatives to funding, if the process presently used was inadequate because if the trend of level funding continued Councils' effectiveness would be reduced.

- .... Mr. Gordon commented the return from the \$7.5 million investment in the Councils was questioned each year, which indicated the accomplishments and achievements had not been effectively communicated to the various budget examiners. Although several options had been discussed in an effort to reduce costs, the anticipated savings were minimal. As it was impossible to find an effective solution, perhaps the Councils should institute budgetary restraints at the present time, concentrating on high priority issues, leaving other items until a future time.
- .... Mr. Bryson agreed it was imperative to communicate the accomplishments of the Councils.
- .... Mr. Gordon pointed out part of the problem centered around the fact that fisheries were not considered as a viable section of some local economies and the U.S. economy.
- .... Mr. Greenley asked if there was a possibility in the future of NMFS taking over a large portion of the programmatic funding, with the Councils paying for administrative costs. Mr. Gordon responded it was hoped to put together a national program targeted towards data acquisition and dissemination that provides for the needs of the Councils, industry and NMFS.

#### o Involvement of Councils in the Budget Process

- .... Mr. Gould reiterated the Councils' interest in participating with the Regional and Center Directors in the long-term budget process.
- .... Mr. Gordon advised state involvement was also an important consideration in the budget process because it gave a better understanding of the total amount of dollars available and how it was proposed they were spent. It appeared the states may receive a sizeable increase in budget through expansion of the Dingle-Johnson Program. If projections were correct, between \$60 million and \$90 million would be spread among the states, with a statutory limitation of five percent to each. This could provide the states with funding to build a data collection system aimed at providing better recreational fishing statistics. He added if 88-309 funds were devoted to managerial needs, it would also provide much needed funding.

.... Mr. Johnson noted the new amendments to the Act added the possibility of a data collection program with the states being reimbursed for the issue of permits.

o Consideration of Joint Approach if Budget Reductions Occur

.... Mr. Bryson felt administrative costs should be funded in the first place, then programmatic costs. Several Councils suggested a system needed to be developed regarding distribution of programmatic funds, together with a set of guidelines from NMFS for future allocations. He suggested the proposed task team also consider development of a position statement, in the form of a brochure, regarding the value of management for budgetary purposes. Such a brochure would also be advantageous to maintaining better communication with the general public.

.... Mr. Perret commented before publicizing the benefits of Council management, it was necessary to persuade the fishery participants to accept the proposed measures and to explain the corroborating rationale. When this had been accomplished, the Councils could expect to receive public support.

o Consideration of Alternatives for Administration of Council Funding

.... Mr. Marshall briefly summarized the background of the issue, noting various alternatives which had been discussed previously. In conclusion, it appeared very unlikely the system of funding for the Councils would be changed.

.... Mr. Gordon suggested a possibility for consideration might be instituting a fee schedule to fund the Councils.

.... Mr. Johnson pointed out at the present time there was the ability to recover administrative costs of issuing a permit; however, any funds collected would be attributed as 'miscellaneous receipts'. It was possible to use the states to collect the permit fees because they would be reimbursed by the federal government for the cost of the system and such a system might provide added revenue.

o Council Access to Confidential Statistics

.... Mr. Gould reviewed the South Atlantic proposal, noting access to confidential data would be limited to certain specified technical staff members. It was hoped to obtain routine access to this information through the office computer which could be linked to the Southeast Fisheries Center, Regional Office and those states involved in the State/Federal Cooperative Statistical Program. He noted any data would be aggregated and cleared for release before distribution, and it was not intended to obtain clearance for Council members except in very extreme circumstances.

.... Mr. Bryson agreed the issue of access to confidential statistics needed to be reviewed, especially because of problems encountered in obtaining access to data regarding joint ventures. Without the necessary information on joint venture operations it was impossible to assess them.

- .... Mr. Gordon advised once the procedures were established and everyone understood the policy, there would probably be no problem in implementation.
- .... Mr. Perret suggested reviewing an established system which could possibly provide input. Mr. Johnson pointed out that once staff have demonstrated the 'need to know' certain confidential data, the information can be provided because they would be subject to exactly the same restrictions as federal employees.
- .... Mr. Swingle inquired if Council staff would be allowed routine access to confidential data, or be required to demonstrate the 'need to know' on a case by case basis after the procedure had been adopted providing the same safeguards as the federal system.
- .... Mr. Gordon responded staff could be allowed routine access to confidential data regarding fisheries involved in management.

MEETING RECESSED AT 5:10 p.m. THURSDAY, NOVEMBER 3, 1983  
 MEETING RECONVENED AT 8:35 a.m., FRIDAY, NOVEMBER 4, 1983

o Litigation Affecting FMPs and Council Operations - Conflict of Interest

- .... Mr. McManus noted a law suit had been filed against named members of the North Pacific Council and several persons on the advisory panel by the Alaska Legal Services Corporation. The issue was enjoined with respect to the vote of the Council to adopt a moratorium on new entry into the halibut fishery because members of the advisory panel were related or alleged to have been related to persons participating in the fishery. Although no specific details of the suit were given, many of the allegations in the complaint were found to be untrue upon inspection. The law suit presented two legal issues: (1) whether or not conflict of interest rules apply to the specific activities undertaken by members of a Council and advisory panel, and (2) whether or not, if the plaintiffs were correct from the facts alleged, that the decisions made by the Council, or had they been taken by the Secretary of Commerce on reliance of a Council vote, were tainted and, therefore, enjoined.

He briefly reviewed the statutory background, noting the statute most germane to the discussion was a criminal statute, Section 208 Title 18 of the U.S. Code. The statute prohibits a government employee, including a special government employee, from acting with respect to a matter in which he, or certain other described and classified individuals, may have a conflict of interest. Action includes rendering of advice. The problem arises with respect to some of the fishery management decisions that members were called upon to make. Section 208 has two exceptions, the Secretary may find a conflict of interest is sufficiently attenuated so as to be unlikely to taint the deliberations of a particular individual in respect of a particular matter, and pursuant to a procedure spelled out in the Code, the head of an agency can decide on a case-by-case basis as to whether or not a conflict, or perceived conflict will be excused. Thereby, freeing up the government employee in question to participate in

the matter. However, this was a cumbersome procedure requiring the individual to make available the facts to the department's conflict of interest counselor, for a specific determination as to whether or not those facts are likely to lead to a diminishment of the government employee's integrity. The second exception is whereby the head of an agency determines a class of financial interests is such that its impact on the deliberations of a government employee are likely to be negligible.

The problems in relation to Council activities were, firstly, it was too cumbersome, making it necessary to view the interests of each Council member, and each advisory panel member, with respect to each matter which comes before the Council, including those matters submitted for the rendering of advice. Secondly, it appeared the Secretary would be very unlikely to issue an exemption as broad as it was required to be to solve the problem regarding financial interests. The DOC's conflict of interest lawyers were endeavoring to find a solution to the issue.

Mr. McManus noted it was the first time the problem had occurred during the existence of the Councils, and common sense on the part of Council members and advisory panels could greatly assist in diffusing the problem. It was a more difficult situation with respect to AP members as the Statute prohibits rendering advice regarding matters in which there was an interest, and members were chosen because of their knowledge.

- .... Mr. Bryson inquired if this meant Council members should not vote on issues where they had an interest. Mr. McManus agreed that for the present time this would be the best policy to adopt.
- .... Mr. Perret surmised a situation could occur whereby a State Director who was a member of the Council, would be placed in a difficult position if a Council decided a certain species had to be managed under FCMA and his State had management measures regarding that species which were different from those under consideration. Mr. McManus felt a state official who sat as an exofficio member of the Council was a special Government employee in the intent of Section 208.
- .... Mr. Johnson added the first conflict of interest issue confronted after enactment of FCMA concerned state employees, and one of the earliest opinions noted only that the director should abstain from Council decisions which could result in a contractual agreement with his state agency.
- .... Mr. Bryson felt the position regarding commercial fishermen had been clarified, but requested guidance concerning recreational and charterboat fishermen. Mr. Johnson responded a charterboat operator had the same financial interest as a commercial fisherman. A recreational fisherman, however, was selected because of sportfishing knowledge and had no financial interest. He felt the Councils had no problem in these areas, except if the recreational fisherman was part of an association.
- .... Mr. Lokken advised he was one of the members involved in the litigation against the North Pacific Council, and reviewed some of the documents which were required to be supplied under a subpoena. After seeking advice from an attorney, it appeared he had almost no rights and would be

required to submit any documentation requested by the plaintiffs. Many of the members of Councils who had considerable interests outside the fishing industry would be required under a similar subpoena to reveal those interests. If such a system became policy, it would become very difficult to find competent individuals to serve as members, which would have far reaching affects on the Council structure.

He inquired if a member was in opposition to a particular proposal before Council, would he be considered in conflict of interest if that member voted against the proposal, or was conflict applied only to those voting in the majority who happened to be for the proposal.

- .... Mr. McManus advised members, strictly speaking, were not supposed to participate in an issue if they had a financial interest. A legislative amendment to the Magnuson Act excluding Council and advisory panel members from the scope of the criminal conflict of interest provisions had been suggested as a possible solution. He felt such an action may be detrimental to the Councils, particularly from a public relations viewpoint.
- .... Mr. Martin asked the practical effect upon Council operations as to who determines a conflict does exist, or raises the inquiry that there may be a conflict. Mr. McManus felt it was primarily the responsibility of the individual who could seek advice from his regional attorney or colleagues; however, there was no formal procedure.
- .... Mr. Branson inquired what degree of participation would be considered wise for a Council member who did have a conflict of interest. Mr. McManus responded it would be almost impossible for him to advise that it would not be wise to refrain from participation in a matter where the member perceived a conflict of interest.
- .... Mr. Branson noted a member of the North Pacific Council was directly involved as a partner in a joint venture. Normally, those American partners in joint ventures testified on that issue when submitting an application before Council. He inquired if the correct procedure would be for the Council member to testify and then sit in the back of the room, taking no part in further discussion, while the Council debated the issue and a vote was taken. Mr. McManus advised, pending further clarification from DOC General Counsel's office, this was the procedure which should be followed.

o Litigation Affecting FMPs

- .... Mr. O'Connor summarized the background concerning several cases in litigation by the State of Florida against the Gulf and South Atlantic Councils' Mackerel FMP and the South Atlantic Council's Snapper/Grouper FMP which were related to CZM consistency.
- .... Mr. Johnson advised a case currently being heard by the 9th Court of Appeals in California involved the observer program under the Marine Mammals Protection Act. The litigation was filed by the tuna industry who, in the lower court obtained a ruling that observer data could not be used to prosecute the individual tuna vessels captains. It was possible

this case could be repeated in those fisheries where the Councils had incorporated observer programs in management plans. The decision under the Marine Mammal Act was required before giving additional guidance to the Councils regarding observer programs in FMPs, but he urged caution in relying upon these programs to solve some of the fishery management problems. Providing the observer programs were voluntary and received industry support few difficulties should be encountered, but the situation may well change if the system became mandatory.

- .... Mr. Marshall inquired the effect upon the requirement of on-board technicians proposed in the Swordfish FMP. Mr. Johnson responded the Councils could possibly be subjected to the same challenges.
- .... Mr. Gordon asked the effect upon joint venture vessels. Mr. Johnson noted the distinction with respect to a foreign flag vessel was that the Magnuson Act not only authorized, but required an observer to be aboard. The language was specific concerning foreign vessels, but this was not the case for domestic vessels.

#### o Joint Venture Issues

- .... Mr. Gordon felt joint ventures were a meaningful transition, which provided U.S. fishermen the opportunity to learn new skills, technology and deal with unfamiliar species, at the same time, learning the quality standards required by some foreign nations. Although in some areas it had been a very controversial issue, very few applications had been denied. It encouraged development of the U.S. fishing industry of those fisheries currently underutilized by local fishermen. It also provided the opportunity of employment of vessels which otherwise may have been underutilized. In practice it was found extremely difficult to estimate the DAP and joint venture amounts in advance of the fishing season, partly due to uncertainties regarding future markets, both domestic and foreign. The Councils in attempting to provide protection in processor preference, reviewed several approaches which could be taken, some of which have proved to be controversial also. Foreign fishermen had responded very positively, and domestic participants found involvement to be profitable.

He noted concerns were expressed regarding joint ventures drawing fishing vessels away from domestic processors, impacting on the available supplies to truckers, etc. NMFS continued to encourage joint ventures as a part of the Fish and Chips policy, and discussions had recently taken place with the Portuguese regarding trade arrangements for allocation purposes to move into a totally unfamiliar fishery in Alaska. If the trade agreement is finalized, the Portuguese would buy four pounds for every pound of allocation. This would be the first agreement consummated where such a trade-off is effected. Other joint ventures that were more of a business proposition had also been developed. He advised the amount allocated to a joint venture must come from the TALFF, and not from the domestic allocation.

- .... Mr. Lokken inquired if steps were being considered to prevent overexpansion of joint venture efforts. Mr. Gordon responded with regard to the cod fishery on the east coast and off Alaska, although the fishermen

favored the policy because of the economic climate and opportunities to sell the fish, they were also cautioned to gear production to a more stable stock condition than found at present.

- .... Mr. Bryson noted several issues which should be considered in relation to joint ventures, especially in terms of a phase-out concept. It depended very largely on who was being dealt with; a selling nation did very little to improve U.S. world marketability, but this was accomplished rapidly in conjunction with a buyer nation. He added the vessels involved in joint ventures often travelled long distances, and needed a reasonable assurance it would be a successful operation.
- .... Mr. Gordon commented when a joint venture permit was approved it generally locked in a certain number of American partners, which in a sense conferred property rights to a very small group of U.S. fishermen. This had caused a great deal of concern, yet it was unlikely the joint venture would be consummated unless the provision was included in the permit. Another aspect which required addressing, was whether or not to limit the number of joint ventures to within the OY. This assumed U.S. fishermen could catch it all, and the total amount of joint ventures would be limited to DAP plus all the joint ventures, limiting the number of participants. This would throw the fishery wide open, without taking away from the processor.
- .... Mr. Bryson felt it would do little to obtaining access in foreign markets.
- .... Mr. Gordon noted several inquiries had been received regarding the prospect of beginning joint ventures in the Gulf of Mexico. Mr. Perret advised it would depend very greatly on the species concerned, and initially the reaction would probably be unfavorable. However, if it was a fishery where there was little domestic utilization and the pertinent facts were explained, it could be accepted rapidly.

o NMFS Habitat Conservation Policy

- .... Mr. Gordon advised the proposed draft policy was published in the Federal Register in July, 1983, and a number of comments were received. The habitat conservation activities would be responsive to the mission and programs of NMFS, the goals were to maintain or enhance the capability of the environment to ensure the survival of marine mammals, endangered species, and conserve fish and shellfish populations important to resources harvested. The implementation strategies, aimed towards attaining these goals, were firstly, to establish a formal planning and coordination mechanism, secondly, for the research centers to conduct environmental ecological research, including long-term studies necessary to implement the policy and, thirdly, NMFS reliance on the partnership with Councils with regard to habitat conservation of those species covered by fishery management plans. In the context of the third strategy, the Councils would address habitat considerations, where applicable, in their FMPs, with NMFS supplying support information in a timely manner. He noted NMFS only acted in an advisory capacity regarding habitat and conservation issues, with no statutory capability apart from intervention with EPA and COE. Concern was expressed regarding the ability of NMFS to meet the



needs of the Councils within the budgetary constraints. The policy would impact Center research, focusing more on species or ecological conditions, to obtain the answers needed to address the issues in the FMPs.

- .... Mr. Branson agreed the draft policy was excellent as habitat was a keystone in management, but he strenuously objected to the blanket requirement of describing key habitat of that species in a plan. He agreed it should be included if it applied specifically to the species in the plan, but in some fisheries it would be almost impossible to comply with the requirement. In many cases the information was already catalogued, and including it in plan would lead to duplication of effort. He suggested inserting in the plan a section noting where the information was catalogued.
- .... Mr. Gordon agreed to the suggestion of including a list of references regarding habitat aspects in plans in timely manner, perhaps during the amendment process. Mr. Branson suggested this be included in the proposed NMFS Habitat Conservation Policy document.
- .... Mr. Donaldson noted the states on the west coast of the U.S. have strict policies regarding the environment, and felt added Council input would be a duplication of state effort and unnecessary. Mr. Gordon responded the Councils needed to be cognizant of ongoing environmental issues as they could impact the ability to develop and implement the FMPs, together with the management goals.
- .... Mr. Jernigan advised the Gulf Council had appointed three Habitat Advisory Panels who were established to be on the alert for projects that would affect the habitat and were not appropriately monitored by another agency or state. The panel would bring it to the Council's attention for any action deemed necessary.

o Current Legislative Bills Affecting Fisheries Management

- .... Mr. Jernigan welcomed Mr. Dennis Phelan, a staff person from the Senate Commerce Committee which was chaired by Senator Packwood, and Mr. Tim Smith, Congressional Aide to the House Merchant Marine and Fisheries Commission, to the meeting.
- .... Mr. Phelan reviewed the status of the following legislative bills affecting fishery management: Aquaculture Bill, Capital Construction Fund, Dingell and Johnson, Exclusive Economic Zone, Fishery Development Corporation, Appropriations, Marine Sanctuaries, NOAA Organic Act, Revenue Sharing and Sea Grant.
- .... Mr. Smith briefly reviewed proposed legislation concerning artificial reefs, and the EEZ Bill and its relationship to the Oceans Policy. He noted the full Committee adopted a Revised NOAA Organic Act, although somewhat narrower than that introduced by Mr. Forsythe, it was designed to ensure the independent agency created remained essentially the same as NOAA was presently. Some changes were made to the enforcement provisions and to the basic structure of the Bill regarding functions of the administration.

o Report on Executive Directors' Session

.... Mr. Swingle briefly summarized the issues discussed, noting the proposed Council Operational Guidelines were reviewed, and although the comments were predominantly complimentary, the directors felt the requirements pertaining to work plans were generally unnecessary. NMFS responsiveness to Council research requirements was discussed, and the directors considered the Centers were extremely responsive in addressing these issues within the budget constraints. Although support was less responsive in the Caribbean and the Western Pacific Councils' areas, both directors reported it was improving, with increased use of other entities to assist in their research needs. The panel reached no consensus regarding the possibility of adopting a Council Liaison Staff in Washington. He noted the inclusion of fishery products in the U.S. AID program was discussed, and the Councils' support of H.R. 3255 which provides authorization for this provision was recommended. It was also suggested exploring the possibility of including fishery products in the School Lunch Program. The directors also discussed classifying staff members as federal employees for the purpose of retirement benefits, but it was felt to be not possible under current interpretations of the law and would not be beneficial to most Councils.

A concept for limited entry was presented by Mr. Branson which restricted participation to current participants who would be required to bid on a quota or lots within the fisheries. Successful bidders would be allowed to harvest the catch at times they considered most beneficial in terms of price, whereas at present in some of the fisheries in Alaska, the entire catch was taken in less than a month and held in cold storage. The system would allow new entrants only upon completion of an apprenticeship requirement, to be established by a qualifications board consisting of fishery participants, and only when additional persons are warranted in the fishery. Permits in the system would be nontransferable. It was also noted that the North Pacific Council, in conjunction with NMFS and Sea Grant, were sponsoring a national conference on approaches to management, to be held in Anchorage, Alaska, in November, 1984.

During the session Mr. Bryson reported on a Congressional oversight hearing on actions by OMB to modify the Mid-Atlantic rules proposed under the Mackerels, Squid and Butterfish FMP. Mr. Branson reported on OMB actions resulting in disapproval of the North Pacific halibut fishery moratorium. Both actions indicated a more active involvement by OMB in the fishery management process in response to lobbying efforts by foreign nations and by domestic fishermen.

.... Mr. Branson referred to the proposed National Conference, noting two planning meetings had been held, and copies of the material from the second meeting would be forwarded to all the Councils when completed. He reviewed the basic concept of the conference and the issues which would be discussed, and recommended involvement by all the Councils.

.... Mr. Gordon suggested it might be useful to invite experts not only from around the U.S. but worldwide, in order to gain insight from their experiences. Documentation prepared for the World Fisheries Conference would also be good reference material.

.... Mr. Branson referred to his limited entry system, noting entry would not be restricted but allow a halibut fisherman to participate once qualified.

.... Mr. Gordon pointed out the mechanism was available, in part, to cover surplus commodities.

o Future Meetings of Chairmen

.... Mr. Yee proposed the Western Pacific Council act as host at the next meeting, the time and location to be decided at a later date. The Chairmen concurred.

o FAO Conference Report

.... Mr. Gordon presented a general overview of the Conference which took place in Rome, Italy, where 112 countries had been represented. The real value from the U.S. perspective was the opportunity for those Council members in attendance to exchange ideas regarding fishery management with foreign delegations. A further meeting was scheduled for May or June, 1984, where the policy and direction of FAO would be discussed. Two predominant issues were discussed, one the determination to manage for the maximum benefit of the respective countries and the second, the need to improve the quality of the seafood products being taken for human consumption.

.... Mr. Yee commented he also attended the Conference, and found it to be of great interest, especially the opportunity of speaking to the heads of fisheries from other states. He reported that Mr. Gordon had been appointed as Senior Vice Chairman of the Conference; this was only the second time during the history of FAO a delegate from a major country had received such an appointment.

MEETING ADJOURNED AT 12:20 p.m.