

May 9, 1977

Mr. David H. Wallace
Associate Administrator for
Marine Resources, NOAA
National Marine Fisheries Service
3300 Whitehaven Street, Page Bldg. 2
Washington, D.C. 20235

Dear Dave,

Your letter of April 25th to Chairman Rasmuson arrived to late for the Council to consider at its April 27-28 meeting, but Mr. Rasmuson has studied the draft policy guidelines on transboundary stocks that you enclosed. He has asked me to respond to your letter.

He was very gratified with the policy drafts on "Principles governing treaty negotiations regarding transboundary and boundary stocks." It coincides very closely with the thinking of the North Pacific Council, although he does not think they have fully resolved the desirability of managing transboundary stocks by Council management plans as opposed to the Commission or consultative body approach. The Council does want to consider this point further. An example in the North Pacific Council's area would be the management of halibut stocks in the North Pacific.

The Council organized a study group on this particular question at its March meeting to consider the alternatives to the long standing system of halibut management under the International Pacific Halibut Commission. We expect the Council to develop a policy on this question before the end of this year after a study of the available options.

Your letter and the draft principles paper will be on the Council's agenda for its May 26-27 meeting. I will apprise you of their discussion after that meeting.

Sincerely,

Jim H. Branson
Executive Director

JHB:in

cc: to all Council Chairman

PRINCIPLES GOVERNING TREATY NEGOTIATIONS REGARDING TRANSBOUNDARY AND BOUNDARY STOCKS

The Fishery Management Councils shall have responsibility for the development of proposed management plans for transboundary and boundary stocks. When the regime for this management can only be established by treaty, the Secretary of State, in cooperation with the Secretary of Commerce, shall represent the United States in negotiations on behalf of the United States. The procedures for negotiations shall be:

1. The negotiating position and strategy shall be established in consultation with the Council(s) concerned, the Secretary of Commerce, and the Secretary of State;

2. Each Council(s) concerned shall recommend two or more of their members to be members of the negotiating delegation and each Council(s) may also recommend other Council members as advisors to the delegation; and

3. The results of these negotiations shall be reviewed for comment by the Council(s) concerned before the treaty is submitted to Congress. If Congress ratifies the treaty, the concerned Council(s) shall prepare management regimes for the species or stocks the treaty covers. These management regimes shall be developed, reviewed and have regulations promulgated to implement them to the extent authorized by the treaty, using the procedures specified in the Fishery Conservation and Management Act of 1976.

The above paragraph number three shall be inapplicable if the treaty provides for a consultative body or commission to prepare on an annual or ongoing basis, the annual optimum yield estimates and other management recommendations regarding transboundary stocks. In addition to other appointed members, the concerned Council(s) shall be represented on this body by members drawn from a list submitted by the Council(s). Furthermore, the Council(s) may also make recommendations for others to serve as advisors to that body or commission. The decisions or recommendations of this body or commission shall be incorporated into any management regime and proposed regulations that the concerned Council(s) or the Secretary develop.

DRAFT

April 25, 1977

Mr. Elmer Rasmuson, Chairman
North Pacific Fishery
Management Council
c/o National Bank of Alaska
Anchorage, Alaska 99501

Dear Elmer:

Over the past several months we have been having considerable discussion about the relationships among the Regional Councils, the Department of Commerce, and the Department of State in dealing with transboundary stocks. I have had an opportunity to benefit from the views of some Council members, but I would now like to have a broader range of comments before a final decision is made.

From our discussions and my contacts with others, we have developed a draft position which describes how we perceive relationships ought to exist and sets out a technique on procedure. We are not fixed in our attitudes on these matters. I would welcome the views and comments of your Council members on this draft positions, a copy of which is enclosed. Needless to say, the final position of the Department will have to be approved by the Secretary.

Since a policy on management procedures for transboundary stocks is needed urgently, we will need your comments no later than May 21, 1977.

Sincerely,

signed

David H. Wallace
Associate Administrator
for Marine Resources

Enclosure

cc: MR, MR2-Idyll, MRx1-reading, MR2-reading
RFSmith (443-8471) 4/25/77

