

# North Pacific Fishery Management Council

Clement V. Tillion, Chairman  
Jim H. Branson, Executive Director

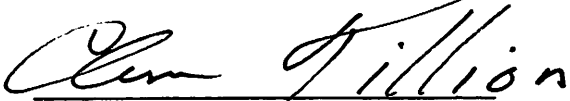
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CERTIFIED:

  
Chairman

## MINUTES

40th Plenary Session  
North Pacific Fishery Management Council  
Council Conference Room  
Anchorage, Alaska  
April 23-24, 1981

The North Pacific Fishery Management Council convened at 9:10 a.m. on Thursday, April 23, 1981, in Anchorage, Alaska at the Council headquarters' Conference Room. The meeting continued until 11:25 a.m. on Friday, April 24.

Neither the Scientific and Statistical Committee nor the Advisory Panel met during April.

Council members and general public in attendance are listed below.

### Council

Clement V. Tillion, Chairman  
Harold. E. Lokken, Vice-Chairman  
Ronald O. Skoog  
Robert Mace, for John Donaldson  
Gene DiDonato, for Rolland Schmitt  
LeRoy Sowl, for Keith Schreiner

Donald Bevan  
Robert W. McVey  
RADM Richard Knapp  
James O. Campbell  
John P. Harville  
Charles Meacham

Also attending were Don Rosenberg, SSC chairman, Bob Alverson, Advisory Panel chairman, and Richard Lauber, Advisory Panel member.

### NPFMC Staff

Jim Branson, Executive Director  
Clarence Pautzke, Deputy Director  
Jim Glock  
Jeff Povolny  
Steve Davis

Peggy McCalment  
Judy Willoughby  
Peggy Hough  
Elise Zuspan  
Jim Richardson

## General Public

Hugh Takagi, Taiyo Fisheries, Seattle  
Koh Ishida, Taiyo Fisheries, Seattle  
Jowanda Shelton, Friends of the Animals, Washington, D.C.  
Erling O. Oswald, Sealaska Corporation, Juneau

Kelly Rohn, Office of the Japanese Consulate, Anchorage  
Henry Mitchell, Bering Sea Fishermen's Association, Anchorage  
Jay Hastings, Japan Fisheries Association, Seattle  
Paul MacGregor, Japanese North Pacific Longline and Gillnet  
Association, Seattle

### A. CALL TO ORDER, APPROVAL OF AGENDA AND MINUTES OF PREVIOUS MEETING

The meeting was called to order by Chairman Clem Tillion.

The Executive Director recommended amending the agenda to include under item C, Old Business, confirmation of the Inter-Council Salmon Coordinating Team, and under item D, New Business, Council discussion on the sale of raw fish to foreigners in state waters. *The agenda was approved as amended.*

Chairman Tillion called for approval of the minutes of the March Council meeting. *Harold Lokken moved that the minutes be approved; seconded by John Harville. The minutes were approved as submitted.*

### B. SPECIAL REPORTS

#### B-1 Executive Director's Report

In preparation for the Chairmen's meeting in June, the Executive Director contacted all the regional fishery management councils and NMFS, Washington, D.C., for agenda item suggestions. The preliminary draft agenda includes amendments to the MFCMA, federal/council/state interaction in management, federal enclaves in state waters, and future funding.

Terry Leitzell recently wrote to the councils suggesting that they meet in small workshops during May or June to work on improving the management of fisheries under the Magnuson Act. The Executive Director felt that the workshops would be more timely if they were postponed until after the Chairmen's meeting, preferably August or September. *It was the consensus of the Council that the Executive Director should write to Mr. Leitzell to suggest postponing the workshops until after the Chairmen's meeting.*

The State Department has notified St. George Tanaq Corporation that the additional 1,000 tons of Pacific cod requested by the Council at the March meeting will be distributed to Highly Enterprises for use in their joint venture.



The Commercial Attache from the Portuguese Embassy wants to attend a future Council meeting to discuss an allocation for Portugal. NMFS has apparently negotiated a trade agreement with Portugal which, following ratification of the Portuguese GIFA, would entitle Portugal to an allocation. When the Executive Director questioned the State Department, they had no information on the proposed agreement. Bill Hannum of NMFS has agreed to keep the Council informed of future developments on the trade agreement.

#### B-2 Report on Law of the Sea Negotiations

Charles Meacham reported that the United States did not negotiate at the April meeting of the Law of the Sea in New York City, but did monitor the proceedings. The Reagan Administration has asked for time to review the work of previous negotiating sessions prior to the final review and vote by the entire Law of the Sea Convention. Because of this request, no vote was taken at the April meeting. Paragraph by paragraph voting is scheduled to take place in Geneva, Switzerland in August, 1981. If the Reagan Administration has not completed its review of previous proceedings by that time, it is unclear what course of action the United States will take.

#### C. OLD BUSINESS

It was necessary for the Council to confirm the North Pacific Council's membership on the Inter-Council Salmon Coordinating Team. Bill Robinson of NMFS, George Utermohle of ADF&G, and Jim Glock of the Council staff had been suggested as candidates for these positions.

*Bob Mace moved that the Council confirm appointment of Bill Robinson, George Utermohle, and Jim Glock to the Inter-Council Salmon Coordinating Team; seconded by Harold Lokken. Hearing no objection, it was so ordered.*

#### D. NEW BUSINESS

##### D-1 Amendment Proposals for the Magnuson Act

##### Discussion on Proposed MFCMA Amendments

The Council's MFCMA Amendments Workgroup last met in August, 1980. A list of 19 proposed changes or clarifications to the MFCMA resulted from that meeting. A copy of that list is made a part of these Minutes as Appendix I. The Council reviewed that list, a summary of the August 1980 MFCMA Amendments Workgroup meeting, the text of the American Fisheries Promotion Act, and a series of reference materials compiled by the New England Council covering SSC compensation, FACA applicability, confidentiality of data and Council access, EO 12291, the Regulatory Flexibility Act, NEPA, Council and Secretarial roles under the MFCMA, and joint plan preparation and designation of the lead Council.



After discussion of the 19 proposed amendments to the MFCMA, the Council compiled the following revised list of problem areas which should be considered as possible amendments or clarifications to the Magnuson Act:

1. Exemption of MFCMA from NEPA, EO 12291, APA, and FACA.
2. Limit Secretarial review period to 60 days or less, with no action within that time meaning approval.
3. Allow Council review of allocations.
4. Expand permit sanctions on foreign fishing violators. (This could be combined with item 3.)
5. Redefine baseline for FCZ.
6. Remove the limit on license fees for U.S. fishermen engaged in any limited entry fishery.
7. Support voting membership of Alaska on the Pacific Fishery Management Council.
8. Compensation for some SSC members.
9. Study relationship of MFCMA with MMPA, CZMA, ESA, Nicholson and Marine Sanctuaries.
10. Clarification on Council's ability to determine whether a fishery is in need of management.

#### Discussion on Sale of Raw Fish to Foreigners in State Waters

John Gissburg reported on the Bering Sea Herring Marketing Association's lawsuit to enjoin the state from prohibiting foreign processing in state internal waters. In preparing its defense, the state is considering two approaches which relate to the state's authority under the MFCMA. Because current state regulations prohibit only foreign fishing in state internal waters, the state has asked NOAA general counsel for an interpretation of the term "at sea" as it relates to both fishing and processing. The state is also seeking additional flexibility through possible amendments to the MFCMA which would allow any future harvestable surplus in excess of domestic needs to be processed by foreigners in state waters. A third approach involves determining whether work visas should be issued by the Immigration and Naturalization Service to foreign processors operating in state waters.

Richard Lauber, representing Pacific Seafood Processors' Association, said that foreign processing in internal waters on a long-term basis could pose a serious threat to the domestic processing industry. He asked the Council to support the prohibition of foreign processing in state internal waters for the meantime until the Council and state can come to agreement.

After discussion of the proposed amendments to the Rules, the Council decided to refer the following amendments to the Commission which should be considered as possible amendments to the Rules...

1. The text of Article 101 of the Rules should be amended to read: "The Council shall have the right to request the Commission to carry out a study on the economic situation of the Community in the field of ..."
2. The text of Article 102 of the Rules should be amended to read: "The Council shall have the right to request the Commission to carry out a study on the economic situation of the Community in the field of ..."
3. The text of Article 103 of the Rules should be amended to read: "The Council shall have the right to request the Commission to carry out a study on the economic situation of the Community in the field of ..."
4. The text of Article 104 of the Rules should be amended to read: "The Council shall have the right to request the Commission to carry out a study on the economic situation of the Community in the field of ..."
5. The text of Article 105 of the Rules should be amended to read: "The Council shall have the right to request the Commission to carry out a study on the economic situation of the Community in the field of ..."
6. The text of Article 106 of the Rules should be amended to read: "The Council shall have the right to request the Commission to carry out a study on the economic situation of the Community in the field of ..."
7. The text of Article 107 of the Rules should be amended to read: "The Council shall have the right to request the Commission to carry out a study on the economic situation of the Community in the field of ..."
8. The text of Article 108 of the Rules should be amended to read: "The Council shall have the right to request the Commission to carry out a study on the economic situation of the Community in the field of ..."
9. The text of Article 109 of the Rules should be amended to read: "The Council shall have the right to request the Commission to carry out a study on the economic situation of the Community in the field of ..."
10. The text of Article 110 of the Rules should be amended to read: "The Council shall have the right to request the Commission to carry out a study on the economic situation of the Community in the field of ..."

Discussion on the Basis of the Report of the Commission on the Economic Situation of the Community in the Field of ...

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Henry Mitchell, executive director of the Bering Sea Fishermen's Association, concurred with Mr. Lauber that long-term foreign processing in state internal waters could be detrimental to the domestic industry, but said that on a short-term basis it could be in the fishermen's best interests.

D-2 Review and Revision of Council Statement of Operating Policies and Procedures

The SOPPs developed and adopted by the Council in 1977 are outdated and need to be revised to conform with actual practices and procedures developed by the Council over the past four years. The Council reviewed the existing SOPPs, the Pacific Council's proposed SOPPs, and revised SOPPs developed by the Council staff. They also reviewed proposed personnel rules and various policies developed by the Council through motions or custom and discussed whether these policies should be included in the revised SOPPs or in a separate Council Operating Manual.

After a point-by-point review of the staff's proposed SOPPs, it was the consensus of the Council that the Executive Director should incorporate into the staff's proposed SOPPs the Council's suggestions for revisions. Final Council approval of the revised SOPPs will be scheduled for the July meeting. The revised SOPPs dated 4/29/81 are made a part of these Minutes as Appendix II.

*The Council instructed the Executive Director to review the proposed personnel rules and various Council policies developed over the years and, at his discretion, formulate them into a Council Operating Manual for Council review and approval.*

Don Bevan asked about the feasibility of contracting with Council members rather than paying them as employees so the Council can save money on FICA matching contributions. The Administrative Officer was asked to review applicable regulations which may affect the Council's ability to make this change and to contact all Council members for their consent to have no FICA paid on their remunerations.

D-3 Agenda for Council Chairmen's Meeting in June, 1981

The Council took no action on this agenda item.

D-4 Proposal for Halibut Limited Entry Workshop

Jim Richardson, staff economist, reported on a workshop to be held in Seattle on May 14-15 to consider the applicability of various measures for controlling effort in the Alaska halibut fishery. The goal of the workshop is to determine whether some kind of limited entry program is desirable, feasible, or warranted for Alaska's halibut fishery and, if so, which approaches would be most applicable.



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## Discussion on Research Projects and Priorities

The Council reviewed a list of current and future research projects and priorities, compiled by Jim Richardson, including a study to investigate markets for black cod products from fish caught in Alaskan waters; an economic profile of the Southeast Alaska salmon industry; a study on the use of the Alaskan herring resource as a roe fishery vs. a food/bait fishery; a study on the effects of vessel financing programs on the composition and investment decisions of Alaska's commercial fishing fleet; and an analysis of joint venture fisheries off Alaska.

Jim Campbell suggested that the Council also consider research on the relationship between Alaska's transportation and fishing industries to determine how the two can work together for the benefit each other. *Jim Richardson was asked to research the costs and problems of transportation as it concerns the fishing industry.*

### D-5 Review of Proposed Alaska Fisheries Center

The Council reviewed a letter from Representative Terry Gardiner explaining proposed legislation for an Alaska Fisheries Center to provide information and research on fishery resources. Don Rosenberg, who worked with Mr. Gardiner on the proposal, reported on the status of the legislation.

*It was the consensus of the Council that the concept of the fisheries center should receive the Council's endorsement, with the strong suggestion that the Center should be attached to either the University of Alaska or the Alaska Department of Fish and Game to function as a coordinating body between other fisheries research facilities. The Executive Director was asked to convey the Council's position on the proposed Alaska Fisheries Center to Representative Gardiner.*

### E. FISHERY MANAGEMENT PLANS

The Council reviewed the status of the herring, salmon, king crab, Tanner crab, and groundfish plans.

Dr. Bevan suggested that at its May meeting the SSC should nominate a Tanner Crab PMT to study the inconsistencies which exist between current federal and state Tanner crab regulations and determine whether the FMP should be amended.

Bob Mace suggested that may be appropriate for the SSC to nominate potential members for all six PMT's, and suggested this as an SSC agenda item for its May meeting.

The Council asked Bob McVey to give a report at the May meeting on how NMFS will handle the difference in chinook OY for state and federal waters.

DISCUSSION ON RESEARCH PROJECTS AND PRIORITIES

The Council reviewed a list of current and future research projects and priorities compiled by Jim Richardson, including a study to investigate markets for fish and products from fish caught in Alaska waters, an economic profile of the Alaska Alaska fishing industry, a study on the use of the Alaska fishing industry as a case study in a food safety laboratory study on the effects of vessel financing programs on the composition and investment decisions of Alaska's commercial fishing fleet, and an analysis of total resource fisheries of Alaska.

The Council also suggested that the Council also consider research on the relationship between Alaska's transportation and fishing industries to determine how the two can work together for the benefit of each other. The discussion was asked to research the costs and benefits of transportation as it concerns the fishing industry.

D-2 Review of Proposed Alaska Fisheries Center

The Council reviewed a letter from Representative Henry Gaultner explaining proposed legislation for an Alaska Fisheries Center to provide information and research on fishery resources. Don Rosenberg, who worked with Mr. Gaultner on the proposal, reported on the status of the legislation.

It was the consensus of the Council that the concept of the Fisheries Center should receive the Council's endorsement, with the understanding that the center should be attached to the University of Alaska or the Alaska Department of Fish and Game as a function of a coordinating body between other fisheries research facilities. The executive director was asked to convey the Council's position on the proposed Alaska Fisheries Center to Representative Gaultner.

F FISHERY MANAGEMENT PLAN

The Council reviewed the status of the plan, and discussed the plan's progress and objectives.

Dr. Bevin suggested that at the May meeting the SAC should review the plan and report on the progress of the plan. The Council agreed to review the plan at the May meeting and report on the progress of the plan.

Bob also suggested that the SAC should review the plan at the May meeting and report on the progress of the plan. The Council agreed to review the plan at the May meeting and report on the progress of the plan.

The Council asked Bob to give a report on the progress of the plan at the May meeting. The Council also discussed the plan's progress and objectives.

F. CONTRACTS, PROPOSALS AND FINANCIAL REPORTS

F-1 Review of Second Half FY 81 Budget

No action required. Information only.

F-2 Review of Council Staff Policies and Procedures

No action required. Information only.

G. PUBLIC COMMENTS

No further public testimony was presented to the Council.

H. CHAIRMAN'S CLOSING COMMENTS AND ADJOURNMENT

There being no further business to come before the Council, the fortieth plenary session of the North Pacific Fishery Management Council was adjourned at 11:25 a.m. on April 24, 1981.

LIST OF APPENDICES

- APPENDIX I: MFCMA Amendments Workgroup List of Proposed Amendments or Clarifications to the MFCMA
- APPENDIX II: Revised Statement of Operating Policies and Procedures dated 4/29/81
- APPENDIX III: Council Research Projects and Priorities