

M E M O R A N D U M

TO: Council, SSC and AP Members  
FROM: Jim H. Branson  
Executive Director  
DATE: December 29, 1981  
SUBJECT: Gulf of Alaska Groundfish Fishery Management Plan

*ACTION REQUIRED*

*Council approval of an addition to Amendment #11 that will give the Regional Director authority to restrict foreign fisheries for conservation reasons.*

BACKGROUND

The Council should consider adding to Amendment #11 a provision for the NMFS Regional Director to issue field orders to adjust time and/or area restrictions on foreign fisheries for conservation reasons. This provision is now in the FMP as Section 8.3.1.1(H) Issuance of Field Orders but only applies to domestic fisheries [see item E-5(a)]. We would suggest the same language be used in a new Section 8.3.2.1(E) which applies to the foreign fisheries.

Amendment #11 which deals mainly with sablefish OY's is out for public review until February 8, 1982. A public hearing is scheduled for Friday, January 8 at 9 a.m. in Room 117 of the Federal Building in Juneau. Final Council consideration of this amendment is scheduled for the March meeting.

Amendment #10, curtailing foreign trawling in the Eastern Regulatory Area, was published as a proposed rule on December 7, 1981 and is scheduled to be implemented around mid-March, 1982. Item E-5(b) is a letter from Bill Gordon regarding that amendment.

- (f) Management philosophies and policies formulated through legislative and administrative processes may be carried out in the field by personnel familiar with local conditions.
- (g) Management approaches which are proving unworkable or which are imposing undue hardships may be changed at once.
- (h) Necessary in-season refinements in management programs can be accomplished primarily in the field with the advice and assistance of the users more directly affected.

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**8.3.1.1****(H) Issuance of Field Orders**

The Council finds that the Optimum Yields in this plan, which are based upon projections of the status of the stocks, economic and other conditions several months in advance of the actual conduct of the fishery, may be found to be mis-specified in light of unpredicted and unanticipated adverse or favorable stock conditions which are revealed in-season. Under such circumstances, the Council further finds it appropriate for conservation purposes only, that the Regional Director of the National Marine Fisheries Service, Alaska Region or his designee in close coordination with the Commissioner of the Alaska Department of Fish and Game, take immediate action by issuing field orders adjusting time and/or area restrictions; therefore, this plan provides that seasons and areas shall be subject to in-season adjustment by the Regional Director of the National Marine Fisheries Service. The Regional Director or his designee may adjust season opening and closing dates based upon the following considerations:

1. the effect of overall fishing effort within a major statistical area;
2. catch per unit effort and rate of harvest;

3. relative abundance of stocks within the area in comparison with pre-season expectation;
4. the proportion of halibut (see section 8.3.1.1 (D)) or crab being handled;
5. general information on the condition of stocks within the area;
6. information pertaining to the optimum yield for stocks within the statistical area; or
7. any other factors necessary for the conservation and management of the groundfish resource.

In order to assume effective management of the groundfish resource as a unit throughout its range, in-season adjustments made by the Regional Director must be coordinated with similar actions taken by the State regarding waters under state jurisdiction. It is necessary that the Regional Director, to the extent possible, act in conjunction with the Alaska Department of Fish and Game in order to effect uniformity of management in State waters and the fishery conservation zone. As a result, any changes proposed by the Regional Director will be accompanied by advance notice to the State to allow for opportunity to maintain such uniformity. In most cases, the Regional Director will exercise his authority on the basis of recommendations received from the Department, and will reply on the Department for season data, reports, and assessments necessary to make a determination as to the advisability of any action contemplated. In all cases, continuous consultation between the Department and the Regional Director will be maintained.

It is expected that the actual opening and/or closing dates for the seasons prescribed in this plan will be adjusted by the Regional Director pursuant to the Authority described in this section. Such action is not considered emergency action that would require amendment of the plan, or regulations implementing the plan; adjusting the season opening and closing dates is meant to be inherent part of the seasons themselves. For this reason, any adjustments made by the Regional Director or his designee will be effected by the issuance of a field order and announcement in the manner currently utilized by the State of Alaska.

Any in-season amendment of the plan's season or area or other implementing regulations beyond the scope of the above described authority will be accomplished by emergency regulations, as provided in section 305(e) of the Act, in accordance with the recommendation of the Regional Director following consultation with the Commissioner of the Department of Fish and Game. It is understood that time will often be of the essence in making effective the aforementioned adjustments and changes.

Any limited entry program must be designed specifically for the fishery to which it will be applied, taking into consideration the unique characteristics of that fishery.

The fishery should be monitored and data collection started so that conditions such as those described above can be identified and measured. The data base should also indicate the character and level of participation in the fishery, including: a) investment in vessel and gear; b) the number and type of units of gear; c) the distribution of catch; d) the value of catch; e) the economic returns of the participants; f) mobility between fisheries; and g) various social and community considerations.

The current condition of the groundfish fisheries of the Gulf of Alaska is such that limited entry programs for the domestic fleet will not be required in the near future. However, research and monitoring programs will be developed and implemented in a timely manner.

In Alaska, where groundfish fisheries may occur completely or partly in waters under State jurisdiction, some fisheries may eventually be included in a State limited entry program. Coordination between the North Pacific Fishery Management Council and the State will be necessary in order to develop a comprehensive program that recognizes unique local or regional conditions as well as the national standards of the Fishery Conservation and Management Act of 1976.



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Washington, D.C. 20235

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Mr. Clement Tillion  
Chairman, North Pacific  
Fishery Management Council  
P.O. Box 3136DT  
Anchorage, Alaska 99510

Dear Clem,

This letter confirms our telephone call to the Council staff that on November 12, 1981, John Byrne, Administrator of NOAA, concurred in my approval of Amendment 10 to the Fishery Management Plan for Gulf of Alaska Groundfish. Now that the regulations have been cleared by the Office of Management and Budget, we published them in the Federal Register on December 7, 1981 (46 FR 59565).

Because of some doubt that the OY for flounders will be achieved when the area east of 140° west longitude is closed to foreign trawling, I have asked the Director of our Alaska Region to monitor the fishery carefully during 1982. If the OY is not achieved (within reasonable bounds), the Council may have to modify OY or the management measures to ensure that OY will be achieved.

Sincerely yours,

*William G. Gordon*  
William G. Gordon  
Assistant Administrator  
for Fisheries

