

North Pacific Fishery Management Council

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AGENDA IV
August 1979

EXECUTIVE DIRECTOR'S REPORT
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
August 23-24, 1979

a. New Appointments to Various Council Subcommittees

There are vacancies on several of the Council subcommittees caused by resignations from the Advisory Panel and changes in the structure of the SSC. An SSC member is needed to replace Don Bevan on the Committee to Establish Priorities for the Development of FMP's and the Incidental Species Policy Group. An Advisory Panel member to replace Shari Gross on the DAH Working Group, and two more Council members appointed to the review group for the Clam Plan. At the moment Kirk Beiningen is the only one in that review group. We expect recommendations from the SSC and the AP for those replacements from their organizations. The Council Chairman needs to recommend at least two Council members for the Clam Plan Review Group. All of the appointments will be considered under Agenda Item XII, the Chairman's closing comments.

b. Status of the Department of State Office of Oceans' Funding

The rather drastic cut in the U.S. State Department's Department of Oceans discussed at the last Council meeting has been reinstated so that they appear to have no immediate problem.

c. Draft Environmental Impact Statement for the Fur Seal Convention

As promised by Carmen Blondin at the last Council meeting, we have received the Draft Environmental Impact Statement for the Fur Seal

Convention. We have studied it and I am recommending to the Council that they recommend to the Secretary of Commerce that the Convention be extended without attempting to renegotiate it. Pulling out of the Convention entirely is the worst alternative. A copy of my analysis and recommendation is under Tab IV-c in your book. In addition, there is a copy of a new Bill introduced in Congress to stop the kill of Northern Fur Seal on the Pribilofs. (Cover letter by Congressman Young.)

I would like to have Council recommendations on the comments they wish to send to the Secretary on renegotiation of the Fur Seal Convention and direction from the Council on comments on the Bill to stop the seal harvest on the Pribilofs.

d. Report on the Working Groups' Meeting in August

A number of the Council working groups met since the last Council meeting. Briefly they were,

Gulf of Alaska Groundfish PDT - Seattle, August 7 and 8
Limited Entry Workshop - Juneau, August 7
SSC Subcommittee to review Herring FMP - Juneau, August 6
Steering Group for Ecosystem Management - Seattle, August 6
AP Subcommittee to review Herring FMP - Juneau, August 7
Clam PDT - Juneau, August 2 and 3
DAH Working Group - Juneau, August 14

The Working Group to Establish Priorities for FMP's could not get a quorum last month, we are scheduling a meeting of that group for September 10th in Anchorage.

I would like to report briefly on two of the working group meetings; that of the Steering Group for Ecosystem Management and Limited Entry. The Steering Group for Ecosystem Management, which consists of Robert Weeden, Douglas Chapman, Mike Tillman, Dayton Alverson, Robert Hofman and myself, discussed cooperative development with

the Marine Mammal Commission, Council and NMFS of an ecosystem approach, probably through population modeling, to the development of fishery management plans. The Steering Group made three recommendations for action:

1. Begin an immediate canvass of fishery management agencies, industry groups, etc., for estimates of where fishery development will take place, in what quantity and on what time scale and ask their assessment of the data requirements needed for those developments.
2. That we should begin the development of a request for a proposal to inventory existing data, particularly as it relates to marine mammals and birds, identifying needed data using the priorities established by recommendation #1.
3. Organize a seminar on the DYNUMES model now under development at the Northwest and Alaska Fisheries Center, as well as any other current population modeling programs, to see if they can be used for this study; identifying the changes that may be desirable in those programs and further inputs if necessary. The Steering Group felt that the seminar should not be held until early in 1980.

The Steering Group hopes that the three actions recommended will enable them to answer the question of whether or not the DYNUMES model will give the necessary answers for ecosystem management. If not, it will then be necessary to identify alternatives that can be used.

This is an important concept and particularly gratifying since it is a cooperative effort between the Marine Mammal Commission, the North Pacific Council, the University of Alaska and the Northwest and Alaska Fisheries Center. We can expect some funding of the necessary costs for this study from all of those agencies.

The Limited Entry Workgroup had a very productive meeting in Juneau on August 7th. Three Advisory Panel members were present and the discussion, with recommendations to the Council, is in tab IX-d of your book. The Working Group made five recommendations:

1. NOAA and Commercial Fishery Entry Commission attorneys take immediate action to close loopholes in the current State and Federal regulations affecting the transfer of power troll permits.
2. That the Council maintain a moratorium on the power troll fishery in the CFZ for 1980 until the west coast salmon problems, Alaska court cases on limited entry and U.S./Canada negotiations are closer to resolution than they now are.
3. That we develop a request for a proposal for analysis of existing limited access systems with summaries of any critiques available on those systems.
4. That we develop a request for proposal for a study of limited access as applied to the U.S. halibut fishery; to analyze the probable effects on the resource, the fishermen, the industry and supporting social structures of various actions, including not limiting entry.
5. Begin a legal evaluation of how the U.S. can institute limited access in the halibut fishery if it is decided that it is desirable.

Reports from the other working groups that met bear directly on agenda items and will be available when those are discussed.

e. Report on the FCMA Oversight Hearings

Chairman Tillion and I were in Washington for oversight hearings by the House Subcommittee on Fisheries, Wildlife and the Environment

on July 10th and 11th. Our reception and that of the other Councils was quite favorable, the members of the Subcommittee stressed the importance of the Councils remaining non-federal with a high degree of autonomy from the Department of Commerce.

We have just received word that additional hearings will be held by the Committee on October 11th and 12th. They have sent a list of subjects on which they would like to hear testimony (enclosed as agenda item IV-j). I would like to schedule a meeting for a working group composed of Council, SSC and AP members for early September to develop responses in the areas they've indicated for consideration, for review by the Council at its October meeting. I believe it would be useful to again testify at those Oversight Hearings.

f. Council Handbook

Judy Willoughby and I attended a meeting in Portland, Oregon with staff members from the Pacific and Western Pacific Councils and NMFS staffers from Washington on the Council Handbook being developed by NMFS. Generally the meeting was encouraging with a willingness to find workable solutions evident from all parties. Details on that meeting are available from Ms. Willoughby.

g. Council Meeting Dates and Places for FY80

We have more two meetings scheduled for the Council, one in Sitka on October 4th and 5th and in Anchorage on November 29th and 30th. We would like to schedule as many meetings as possible for next year with some indication from the Council as to where and when they would like the out of town meetings. We have budgeted for nine Council meetings for next year with at least two of them out of town.

h. Chairman's Term

The Council Chairman has been serving from October 1st through September 30th. Since we will not have another meeting until October 4th and 5th, it would be proper to hold the election for chairman at this meeting.

i. Comment on St. George Basin Lease Sale

We have a request for Council comment with a September 10th deadline on the proposed lease sale in St. George Basin. The staff has not had a chance to analyze the proposal and has no comment to make at this time. The sale is scheduled for 1982, I would hope that we can get the comment period extended so that we can consider it at the next Council meeting.

JHB

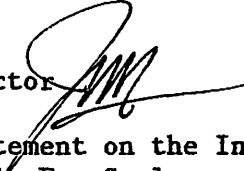
IV - (c)

August, 1979

MEMORANDUM

DATE: August 20, 1979

TO: Council Members, Scientific & Statistical Committee and
Advisory Panel

FROM: Jim H. Branson, Executive Director 

SUBJECT: Draft Environmental Impact Statement on the Interim Convention
on Conservation of North Pacific Fur Seals

This subject was discussed at the June Council Meeting by Carmen Blondin. We have received a copy of the draft EIS and have studied it at length.

If action is not taken to extend or renegotiate the Convention by mid-October, 1979, it will expire in mid-October, 1980. The EIS discusses the alternatives of termination, renegotiation and extension.

Alternatives

Three alternatives are offered: (a) terminate the Convention, (b) renegotiate the Convention, and (c) extend the Convention.

Termination

The first alternative, terminating the Convention, is the least desirable of the three. Northern Fur Seals would then be solely under the jurisdiction of the Marine Mammal Protection Act and would be subject to pelagic harvesting by other nations outside the U.S. FCZ. The Marine Mammal Protection Act (MMPA) would not permit a U.S. harvest of Northern Fur Seal except for subsistence and handicraft purposes. Cessation of that harvest, which now takes place on St. Paul in the Pribilofs, would remove the economic base for the St. Paul community and would probably terminate most of the funding for research on Northern Fur Seals.

Renegotiating

Renegotiating the Convention has been tried since once the Marine Mammal Act was passed in 1972. The United States has proposed incorporating the concept of "optimum sustainable population" as provided by the MMPA rather than the "maximum sustainable productivity" and ecosystem consideration provided in the Convention. Canada, Japan and the Soviet Union were not receptive to that proposal.

Extending

The third alternative, extending the Convention, appears to be by far the best course proposed. The present international management

system would continue, as would a humane harvest. No new socioeconomic impacts on the communities of St. Paul and St. George would occur.

General Discussion

The DEIS indicates that the Northern Fur Seal population on the Pribilofs is currently at maximum carrying capacity, perhaps even slightly above. Stopping the harvest could not be expected to increase the population.

Stopping the current harvest of fur seals would remove virtually all of the economic base for the community of St. Paul and there are no alternatives in sight. A shift in their economic base to commercial fishing is dependent upon construction of harbor facilities at St. Paul. The Corps of Engineers has just started a draft environmental impact statement on that project, we cannot expect it to be completed (if it's approved) for at least nine years. Tourism, about 800 persons a year, provides virtually nothing to the community at present. Because of its isolation and the very high cost of getting to St. Paul it cannot be expected to increase greatly in the future.

In addition to the above very important factors, it is important to the Council's work that continued research on the Northern Fur Seal population and its role in the ecosystem of the Bering Sea and Gulf of Alaska continue at or above its present level. This is very unlikely to happen if the harvest is stopped under either of the first two alternatives. We are just beginning to work with the Marine Mammal Commission to develop additional data so that we can move into ecosystem management of the complex animal communities in the Bering Sea and Gulf of Alaska. Continued research on Northern Fur Seals and greatly increased research on other marine mammals and birds in the area is going to be mandatory. While it is obvious that there is a relationship between Northern Fur Seals and the fisheries of the Bering Sea, that relationship is ill defined and poorly known at this time. Future ecosystem management will necessitate the ability to manage the various elements of the ecosystem in consideration of the whole. To lock ourself out of the possibility of research and management of one of the larger segments of the system would be a great handicap.

Conclusion

The Council should recommend extending the Convention with continued harvest and emphasis on research on the role of Northern Fur Seal in the ecosystem of the Bering Sea and Gulf of Alaska. Judging from the material in the DEIS, it appears practical to increase the harvest of fur seal on St. Paul without harming the health and viability of the population in the least. Increasing the harvest to carry the full costs of administration and research may be a proper Council recommendation with the proviso of course, that in no case should the harvest be increased to the point where the overall health and viability of the fur seal population is harmed.

JHB

DON YOUNG
CONGRESSMAN FOR ALL ALASKA

COMMITTEES:
INTERIOR AND INSULAR
AFFAIRS
MERCHANT MARINE AND
FISHERIES

IV. - c
August 1979

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Congress of the United States

House of Representatives

Washington, D.C. 20515

August 14, 1979

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			Admin. Off.	
			Exec. Sec.	
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Mr. Jim Branson
Executive Director
North Pacific Fishery Management Council
P.O. Box 3136 DT
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AUG 20 1979

Dear Jim:

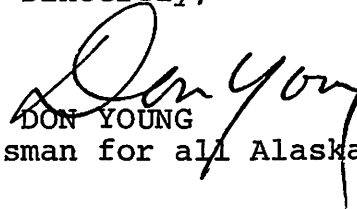
Enclosed please find a copy of HR 5033, the "North Pacific Fur Seal Protection Act," as introduced by Congressman Wolff last month.

As you know, the implications of this legislation can be quite serious when fisheries management plans are considered. This is especially true in regard to the proposed Groundfish FMP for the Bering Sea.

I request that you submit this bill to the Council at their next meeting for their consideration. Any opinions that the Council may have will be greatly appreciated.

If I can be of further assistance in the meantime, please let me know.

Sincerely,


DON YOUNG
Congressman for all Alaska

DY:rhm

96TH CONGRESS
1ST SESSION

H. R. 5033

To provide for the termination of the Interim Convention on the Conservation of North Pacific Fur Seals of February 9, 1957, to prohibit the taking of seals in the Pribilof Islands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 1979

Mr. WOLFF introduced the following bill; which was referred jointly to the Committees on Foreign Affairs, Merchant Marine and Fisheries, and Interior and Insular Affairs

A BILL

To provide for the termination of the Interim Convention on the Conservation of North Pacific Fur Seals of February 9, 1957, to prohibit the taking of seals in the Pribilof Islands, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "North Pacif-
5 ic Fur Seal Protection Act of 1979".

6 DEFINITIONS

7 SEC. 2. For purposes of this Act, the term—

1 (1) "seals" means North Pacific fur seals (callor-
2 hinus ursinus);

3 (2) "person" includes any individual, partnership,
4 corporation, association, or Federal or State agency;

5 (3) "take", "taking", or "taken" means to harass,
6 pursue, hunt, shoot, dynamite, capture, collect, kill, or
7 attempt to harrass, pursue, hunt, shoot, dynamite, cap-
8 ture, collect, or kill;

9 (4) "import" means to land on or bring into, or
10 attempt to land on or bring into, any place subject to
11 the jurisdiction of the United States;

12 (5) "export" means to transship from the Pribilof
13 Islands to any place outside thereof;

14 (6) "Convention" means the Interim Convention
15 on the Conservation of North Pacific Fur Seals, signed
16 in the District of Columbia on February 9, 1957, and
17 any Protocol thereto;

18 (7) "natives of the Pribilof Islands" means any
19 Indians, Aleuts, or Eskimos who permanently reside
20 on the Pribilof Islands; and

21 (8) "Pribilof Islands" means the islands of Saint
22 Paul and Saint George, Walrus and Otter Islands, and
23 Sea Lion Rock.

1 **TITLE I—TERMINATION OF CONVENTION**

2 **SEC. 101. (a)** It is the sense of the Congress that the
 3 Convention should not be continued.

4 (b) In order to carry out the sense of Congress stated in
 5 subsection (a), the President should terminate the Convention
 6 one year after the date of the enactment of this Act by exer-
 7 cising the option for such termination provided in paragraph
 8 4 of Article XIII of the Convention and in the Protocols to
 9 the Convention.

10 (c) It is further the sense of the Congress that the Presi-
 11 dent should immediately enter into negotiations with the par-
 12 ties to the Convention and any other interested countries for
 13 the purpose of concluding an international agreement or
 14 agreements to ban all killing of North Pacific fur seals.

15 **TITLE II—PROTECTION OF SEALS**

16 **EFFECTIVE DATE**

17 **SEC. 201.** This title shall take effect on such date as the
 18 termination of the Convention becomes effective.

19 **PRIBILOF WILDLIFE REFUGE**

20 **SEC. 202. (a)** The Secretary of the Interior shall estab-
 21 lish the Pribilof Wildlife Refuge which shall consist of the
 22 hauling grounds and the rookeries for seals in the Pribilof
 23 Islands, as designated by the Secretary. The Secretary shall
 24 publish in the Federal Register the metes and bounds of the
 25 Pribilof Wildlife Refuge at the time of its establishment.

1 (b) The Secretary of the Interior shall administer the
2 Pribilof Wildlife Refuge in accordance with the National
3 Wildlife Refuge System Administration Act of 1966 (16
4 U.S.C. 6688dd-ee), subject to section 204 of this Act and to
5 the sanctions set forth in section 206 of this Act.

6 MARINE SANCTUARY FOR SEALS

7 SEC. 203. (a) The Secretary of Commerce shall designate
8 as a marine sanctuary that part of the fishery conservation
9 zone, as defined in section 101 of the Fishery Conservation
10 and Management Act of 1976, extending seaward of the
11 Pribilof Islands.

12 (b) The Secretary of Commerce shall administer the
13 marine sanctuary designated pursuant to subsection (a) in accordance
14 with title III of the Marine Protection, Research,
15 and Sanctuaries Act of 1972, subject to section 204 of this
16 Act and to the sanctions set forth in section 206 of this Act.

17 PROHIBITION ON TAKING OF SEALS

18 SEC. 204. Except as provided in section 205 of this
19 Act, the taking of seals within the Pribilof Wildlife Refuge
20 established pursuant to section 202 and within the marine
21 sanctuary established pursuant to section 203 of this Act is
22 prohibited.

23 EXCEPTION TO PROHIBITION

24 SEC. 205. (a) The provisions of section 204 of this Act
25 shall not apply to the taking of seals by natives of the Pribilof

1 Islands which is done for subsistence purposes, which is not
2 carried out in a wasteful manner, and which does not exceed
3 three hundred and fifty seals per year by all such natives.
4 Notwithstanding the provisions of this subsection, no seal
5 skins or seal parts may be exported.

6 (b) The Secretary of the Interior, in consultation with
7 the Secretary of Commerce, shall issue regulations to carry
8 out the provisions of subsection (a).

9 SANCTIONS

10 SEC. 206. (a) Any person who violates the provisions of
11 this title or any regulation issued pursuant to this title shall
12 be subject to a civil penalty of \$50,000.

13 (b) Every vessel subject to the jurisdiction of the United
14 States that is employed in any manner in connection with a
15 violation of the provisions of this title or any regulation
16 issued pursuant to this title, including its tackle, apparel, fur-
17 niture, appurtenances, cargo, and stores shall be subject to
18 forfeiture and all seals or parts thereof taken or retained in
19 violation of the provisions of this title or any regulation
20 issued pursuant to this title shall be forfeited.

21 (c) All provisions of law relating to the seizure, sum-
22 mary and judicial forfeiture, and condemnation of a vessel,
23 including its tackle, apparel, furniture, appurtenances, cargo,
24 and stores, for violation of the customs laws, the disposition
25 of such vessel, including its tackle, apparel, furniture, appur-

1 tenances, cargo, and stores or the proceeds from the sale
2 thereof, and the remission or mitigation of such forfeitures
3 shall apply to seizures and forfeitures incurred, or alleged to
4 have been incurred, under the provisions of this title, insofar
5 as such provisions of law are applicable and not inconsistent
6 with the provisions of this title.

7 (d) The provisions of section 402 of the Fur Seal Act of
8 1966 shall apply with respect to the enforcement of the pro-
9 visions of this title, including those provisions contained in
10 such section 402 relating to seizure of vessels and seals.

11 EMPLOYMENT OF NATIVES OF PRIBILOF ISLANDS

12 SEC. 207. The Secretary of the Interior, in administer-
13 ing the Pribilof Wildlife Refuge, and the Secretary of Com-
14 merce, in administering the marine sanctuary established
15 pursuant to section 203 of this Act, shall, to the greatest
16 extent practicable, employ as rangers and guides natives of
17 the Pribilof Islands and provide to such natives the training
18 necessary to be so employed.

19 TITLE III—ADVISORY COUNCIL; SOCIAL

20 SERVICES PROGRAMS

21 ADVISORY COUNCIL

22 SEC. 301. (a) On the date on which the President exer-
23 cises the option to terminate the Convention, as provided in
24 section 101(b) of this Act, there shall be established an advi-
25 sory council which shall consist of the following members:

- 1 (1) The Secretary of the Interior or his designee.
- 2 (2) The Secretary of Commerce or his designee.
- 3 (3) The Commissioner of Indian Affairs.
- 4 (4) The United States Commissioner to the North
5 Pacific Fur Seal Commission who is appointed pursu-
6 ant to section 106 of the Fur Seal Act of 1966.
- 7 (5) A representative of the village corporation on
8 Saint George Island of the Pribilof Islands (the Tanad-
9 gusit Corporation) organized under the Alaska Native
10 Claims Settlement Act, such representative to be se-
11 lected by the Corporation.
- 12 (6) Such natives of the Pribilof Islands as are ap-
13 pointed by the representative of the corporation de-
14 scribed in paragraph (5).
- 15 (b) The advisory council shall carry out its functions
16 in consultation with the Governor of the State of Alaska,
17 who may, at his option, serve as a member of the advisory
18 council.
- 19 (c) The chairman of the advisory council shall be desig-
20 nated by the Secretary of the Interior.
- 21 (d) The advisory council shall study and make legislative
22 and other recommendations with respect to alternative means
23 of developing a livelihood for natives of the Pribilof Islands in
24 lieu of the taking of seals, including the feasibility of develop-
25 ing a commercial fishery on the Pribilof Islands. The adviso-

1 ry council shall complete its study and submit its recommen-
2 dations to the Congress not more than one year after the
3 establishment of the advisory council.

4 (e) Members of the advisory council who are Federal
5 officers or employees shall receive no additional compensa-
6 tion by reason of their service on the advisory council. All
7 other members of the advisory council shall serve without
8 pay but shall be entitled to receive travel expenses to the
9 same extent as employees serving intermittently in the Gov-
10 ernment service under section 5703 of title 5, United States
11 Code.

12 (f) The advisory council may meet at any place in the
13 United States as the council considers necessary for the con-
14 duct of its business.

15 (g) The Secretary of the Interior shall provide to the
16 advisory council such administrative services as may be nec-
17 essary for the council to carry out its functions.

18 (h) The advisory council shall terminate thirty days after
19 it submits its recommendations to the Congress pursuant to
20 subsection (d) of this section.

21 MAINTENANCE OF SOCIAL SERVICES PROGRAMS

22 SEC. 302. In administering programs for the benefit of
23 natives of the Pribilof Islands under the Indian Self-Determi-
24 nation Act or any other assistance programs under other pro-
25 visions of law for the benefit of such natives, the Secretary of

1 the Interior shall assure, through the granting of financial
2 assistance or otherwise, that the income level of those na-
3 tives of the Pribilof Islands engaged in the taking of seals is
4 maintained after the prohibition on the taking of seals pro-
5 vided in section 204 of this Act takes effect.

6 TITLE IV—OTHER PROVISIONS OF LAW

7 REPEAL

8 SEC. 401. (a) Title I of the Fur Seal Act of 1966 shall
9 be repealed on the effective date of title II of this Act.

10 (b) The provisions of subsection (a) shall not affect any
11 administrative proceeding, investigation, suit, action, or other
12 judicial proceeding commenced under title I of the Fur Seal
13 Act which is pending on the date on which such title is re-
14 pealed, but such proceeding, investigation, suit, action, or ju-
15 dicial proceeding shall be continued as if this Act had not
16 been enacted.

17 INAPPLICABILITY OF MARINE MAMMAL PROTECTION ACT

18 SEC. 402. The provisions of the Marine Mammal Pro-
19 tection Act of 1972 shall not apply to this Act to the extent
20 that any taking of seals prohibited under this Act would be
21 allowed under the Marine Mammal Protection Act of 1972.

North Pacific Fishery Management Council

Branson

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

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Agenda IV (d)
August 1979

August 15, 1979

MEMORANDUM

To : Limited Entry Workgroup

From : Jim H. Branson *Jim*
Executive Director

Subject: Summary of the August 7, 1979 meeting

The Limited Entry Workgroup held its second meeting on August 7, in the NMFS Conference Room, Juneau, Alaska. In attendance were Oral Burch, Jeff Stephan, and Rick Lauber of the North Pacific Council's Advisory Panel. Mike Stanley and Jim Brooks, NMFS/NOAA, Doug Smith, U.S.C.G., Bruce Hart, ADF&G, Dave Ingram, CFEC, Don McCaughran, IPHC, and Jim Branson.

The Working group started by discussing the current Alaska Limited Entry situation in light of recent Court decisions that may allow more people to qualify for Limited Entry Permits in the salmon fisheries, including the power troll fishery. They then discussed some of the immediate problems that may arise with the current fishery management plan for the troll salmon fishery.

It appears there was a loophole left in the FMP and supporting regulations that would allow issuance of Federal permits for the FCZ after the State had declined transfer of a permanent permit. As now written, the Federal regulations provide for review of permit transfers by the Regional Director, based on the same criteria used by the State in evaluating transfers, which is the transferee's ability to participate in the fishery. However, under State law 'person' is defined as a natural person while the Federal regulations defines 'person' as a natural person or a corporate entity. It is theoretically possible for a permit owner to apply to CFEC to transfer a permit to a corporation, have the State deny it because it does not allow a permit to be held by a 'corporate' person. The transferee and transferor could then appeal to the Federal government (i.e., the Regional Director) who, restricted by the criteria currently in the plan, would be unable to deny the transfer. Therefore, the corporate entity could receive a non-transferable permit to fish in the FCZ even though it had never held a State permit.

The Working Group recommended that NOAA attorney Mike Stanley and CFEC Commissioner Dave Ingram bend their best efforts to developing an interim solution to that loop-hole. They also recommended that if the definition of 'person' had to be changed in Federal law, to do so it should be made very clear that that change applies only to this FMP and for the salmon Limited Entry system only. They did not want that definition to impede development of other limited access systems that might include corporate entities as permit holders.

1980 Salmon Fishery and FMP

The Working Group then considered the changes needed in the comprehensive salmon plan now being drafted for 1980. It appears that there will be at least 24 more interim power troll permits issued by the CFEC for 1980 based on recent Court decisions increasing the point eligibility for people who fished as crewmen or nongear license holding partners in the critical qualifying years. Depending upon the interpretation of those Court decisions the number of new interim permits issued could be as high as 200.

The Working Group's opinion was that the Council should not allow effort to increase in the offshore power troll fishery and should avoid any action that would tend to force more effort offshore. Their recommendation to the Council is to maintain the status quo. The best method for achieving that goal appears to be continuing the moratorium imposed by the Secretary for the salmon troll fishery in 1979, which allows only those permit holders who were fishing on May 15, 1978 to engage in the fishery in 1979. The Working Group feels the moratorium should be continued in 1980. Permit transfers would be allowed but holders of any new interim permits for the power troll fishery issued by the State would not be allowed to fish in the FCZ. The FMP and the regulations may have to have a slightly different focus and there will be some change necessary in the regulations to accomplish this.

The Working Group made this recommendation rather than suggest creating a Federal Limited Entry system for the CFZ for three reasons:

1. The litigation and confusion involving the salmon fisheries off the west coast are almost sure to result in pressures on the North Pacific Council and the State of Alaska to reduce interception fisheries of stocks from Oregon, Washington, and California.
2. Recent Alaska Court cases need to be clarified before we know what the ultimate number of permits is going to be in the salmon troll fishery.

3. U. S./Canadian negotiations on salmon are beginning again and there may be some clarification of the relationship between interception fisheries in Alaska, British Columbia and Washington during 1980.

The situation is further confused by the possibility of a State limited entry system for the handtroll fishery in Alaska. Based on all of these factors the Working Group feels that development of a Federal limited entry system in 1980 would be premature and that the situation should continue to be controlled by a moratorium.

Analysis of Existing Limited Access Systems

The Working Group recommended the development of a 'request for a proposal' to analyze existing limited access systems, identifying their strengths and weaknesses, and summarizing available independent critiques of those systems.

The Group was aware that compilations of limited access systems had been made in the past and that some analyses were already available. However, they knew of nothing that was up to date and felt that there are so many new developments even a year's experience would reveal strengths and weaknesses that have not yet been identified in the readily available literature. They recommended the following actions:

1. Draft a Request for Proposal, circulate to the Working Group for comment.
2. After receiving the Working Group's comments, complete the RFP with the help of a resource economist or other expert.
3. Bring the RFP to the Council for approval and ask the Pacific Council to help in funding if that seems appropriate.
4. Circulate the Request for Proposal as widely as possible. Use as a significant criteria for picking a contractor their ability to be as objective as possible. They did not want someone who had been involved in limited access work in the past who might be biased toward a particular methodology.

Don McCaughran volunteered the services of the International Pacific Halibut Commission staff librarian to do a literature search on limited entry, starting immediately. IPHC is in an excellent position to do this since they have access to all of the major fisheries libraries on the west coast. A comprehensive literature search would give the contractor an excellent start on the project and should reduce the contract price considerably.

Limited Access as Applied to the Pacific Halibut Fishery

The Working group then discussed a study of limited access as applied to a specific fishery. Because there have been numerous requests from participants in the U. S. halibut fishery for limited entry during the past 12 months, and because effort is increasing very rapidly with a consequent shrinking in fishing time to only 23 days in 1979, it was felt that the study should be aimed specifically at the halibut longline fishery.

The Group recommends that a Request for Proposal be developed to analyze the effects of limited access on the U.S. halibut fishery. The RFP should analyze the social, economic, and management effects based on two or more scenarios.

1. The fishery be allowed to continue as is with no limitation on participation.
2. Entry be frozen at a fairly high level, perhaps the 1979 participation.
3. Access be limited to considerably fewer fishermen than fished in 1979.

The analysis should also include the probable effects of harvesting mixes, including a large boat offshore fleet, a small boat inshore fleet, and the various mixes possible.

NOAA Attorney Mike Stanley will begin a legal evaluation of how limited entry may be instituted on the U.S. halibut fishery. There are several confusing factors since it is governed by a treaty with Canada insofar as management is concerned, therefore is Federally managed throughout the range of the halibut, including State waters. The Halibut Commission, which recommends regulations for the management of the fishery, has no power to limit entry by United States citizens. At this point we do not know if limiting entry into the fishery should be solely a function of the Department of Commerce, or whether the North Pacific Council would need to rewrite its draft fishery management plan for halibut to include a limited access system. The plan could waive management and research functions, retaining the IPHC role, and ask the Secretary to implement only the limited entry provisions.

Bruce Hart agreed to draft a Request for Proposal with the help of Don Collinsworth and George Rogers to be ready for Council review at the October meeting.

Evaluating Limited Access for Management Plans

The Working Group discussed the need to develop a method to evaluate the need and methods for limited access in all fishery management plans. They concluded

that our information base for doing so was still very weak and recommended completion of the two studies previously discussed before trying to develop such methodology.

Summary

The Limited Entry Working Group at its August 7th meeting in Juneau developed the following recommendations to the North Pacific Fishery Council:

1. That NOAA and CFEC attorneys take immediate action to close loopholes in the current State and Federal regulations affecting the transfer of power troll permits that might allow Federal permits to be issued for the CFZ after transfers of State limited entry permits were refused by CFEC.
2. Maintain a moratorium on the power troll fishery in the CFZ for 1980 until questions revolving around the west coast salmon problems, Alaska Court cases on limited entry, and U.S./Canadian negotiations were resolved.
3. Develop a Request for Proposal for analysis of existing limited access systems with summaries of any critiques available on those systems.
4. Develop a Request for Proposal for a study of limited access as applied to the U.S. halibut fishery to analyze the probable effects on the resource, the fishermen, the industry, and supporting social structures of various actions, including maintaining the status quo by allowing unlimited entry.
5. Begin a legal evaluation of how the U.S. can institute limited access in the halibut fishery if it is decided that it is desirable.

only: SSC
AP

AGENDA, IV e
August 1979

North Pacific Fishery Management Council

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

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Anchorage, Alaska 99510

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Post Office Mall Building



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MEMORANDUM

DATE: August 10, 1979
FROM: *Maggie for*
Chuck Jensen, Chairman, AP FMP Review Group
SUBJECT: Review of the Draft Bering-Chukchi Sea Herring Management Plan

On August 7th, 1979, an Advisory Panel subcommittee met to review the draft Herring Fishery Management Plan. The meeting was attended by Chuck Jensen, Chairman, Jesse Foster, Alan Otness and Don Rawlinson. The Plan Drafting Team was represented by Ron Regnart and Vidar Westpestad. Maggie Duff, NPFMC staff was also present.

The Group reviewed the new mechanism for estimating total allowable catch, domestic allocations and foreign allocations with the PDT.

Three major problems were raised by representatives of the industry:

(1) Joint Ventures

The possibility of a joint venture catching/processing operation in the Bering Sea for herring has not been addressed in the plan. However, a joint venture (U.S. catcher, foreign processor) would be an obvious short term solution to the major logistical problems involved in processing high seas herring by the domestic industry. Marine Resources, for example, have indicated an interest in a joint venture operation, north of the Pribilofs, involving 3,500 mt of herring possibly this winter season. The plan should thus consider joint ventures in the determination of DAH. (This is also required by the 'processors' amendment to the FCMA - P.L. 95-354).

(2) Offshore Expansion of the Inshore Roe Fishery

Approximately one in three or four years, the inshore roe fishery operations are seriously hampered by the presence of sea ice. During those years the Regional Director should be able to open, by emergency order, an area seaward of the Territorial Sea roe fishery to allow the commercial fishery to take place. Provisions should be included in the plan which give the maximum harvesting opportunity to the domestic fishermen during iced-up years. In season flexibility is necessary because the problem may not be identified until just before the inshore fishery is to begin.

(3) Foreign Reporting

Many complaints have been made regarding the adequacy of foreign fleet catch reports. Rumors of Japanese trawlers taking up to 40,000 mt of herring last winter season have not been substantiated. However, it is evident that more extensive observer coverage of the foreign fleets is needed.

The group commended the PDT on the production of the document.

MD

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U.S. House of Representatives

Committee on

Merchant Marine and Fisheries

Room 1334, Longworth House Office Building

Washington, D.C. 20515

August 1979

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August 13, 1979

FILE	ACT	INFO	ROUTE TO	INITIAL
			Exec. Dir.	3
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Mr. Jim H. Branson, Exec. Director
 North Pacific Fishery Management Council
 P.O. Box 3136 DT
 Anchorage, Alaska 99510

Dear Mr. Branson:

The Subcommittee on Fisheries and Wildlife Conservation and the Environment will conclude its oversight hearings on the Fishery Conservation and Management Act on October 11 and 12. Both hearings will commence at 9:30 a.m. in room 1334 Longworth House Office Building.

The first day of this set of hearings will focus on the development of fishery management plans. Some of the issues we would like to have addressed include the following. Please don't feel that this set of issues is all inclusive or that you necessarily have to respond to each of the issues listed. They are intended to provide guidance to you.

- Are the Regional Councils identifying research needs sufficiently in advance so that the information can be developed prior to the time necessary for the preparation of a management plan?
- To what extent is the National Marine Fisheries Service (NMFS) responsive to the Councils' research requests?
- Should the Regional Councils be given a separate research budget with which to undertake research on a contract or grant basis?
- Does the NOAA fleet need to be expanded in order to conduct, in a timely manner, the research which needs to be done to implement the Act?
- Is the currently available data on the nature and extent of the recreational harvest sufficient for the preparation of fishery management plans? If not, is the problem the result of inadequate funds and manpower to conduct the required research or is it necessary to institute a no-fee marine fisheries license for data collection purposes?

- Are the logbooks a necessary or appropriate means of collecting data?
- Due to the lack of adequate biological and other data, is maximum sustainable yield being substituted for optimum yield in the management of U.S. fisheries?
- In the preparation and implementation of management plans, what problems, if any, are caused by the fact that many species are found and harvested within both the three-mile zone and the 197-mile fishery conservation zone thereby subjecting such species to two or more different management programs? If effective management of these fisheries is inhibited because of the fisheries multi-jurisdictional nature, what actions should be undertaken to resolve the problem?
- Why has it taken the Regional Councils so long to prepare certain fishery management plans? Why is the Secretary unable to complete the review of plans within the 60 day statutory time period?
- Should the National Environmental Policy Act continue to be applicable to fishery management plans?
- Should Executive Order 12044 continue to be applicable to the preparation of fishery management plans?
- Should the Secretary of Commerce have emergency authority, exercised only upon the request of the appropriate Regional Council, to promulgate a fishery management plan applicable to U.S. fishermen?
- Should the Secretary's current authority to amend existing management plans by emergency regulation be limited to those situations in which new biological data indicates the need for emergency action, or are economic and social dislocations caused by the plan a sufficient basis for emergency action?
- Will the proposed framework fishery management plan effectively shorten the time required for the preparation of management plans? Will the framework FMP process significantly reduce the Councils' role in the management of U.S. fisheries?
- Should foreign permit and/or observer fees collected under the Act be placed in a special fund to be used for the implementation of the Act?

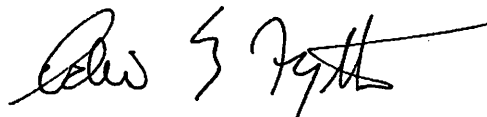
The hearings on October 12 will focus on the enforcement of the Act and on miscellaneous issues. Some of the issues the Subcommittee would like to consider are:

- Should the U.S. require 100% observer coverage on foreign fishing vessels operating within the U.S. fishery conservation zone?
- Are the penalties which are levied against U.S. and foreign fishermen for violations of the Act commensurate with the offense or are the penalties so small as to constitute no deterrent to violations?
- Why does it take so long to process alleged violations and to assess penalties?
- What enforcement problems are created by the fact that many fisheries are found and harvested within both the three-mile territorial sea and the 197-mile fishery conservation zone?
- Should the level of Coast Guard enforcement efforts be increased? In what specific areas?

After completing testimony on the enforcement issue, the Subcommittee will receive testimony on any miscellaneous issues which have not been addressed during the entire oversight hearings.

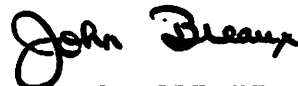
After completion of the October hearings it is the Subcommittee's intent to prepare an oversight report which may form the basis for legislation to implement recommendations contained in such a report.

If you should desire to testify at our upcoming hearings, please inform either George Mannina (225-1320) or Wayne Smith (225-7307) so that your name can be added to the witness list. Committee rules require that 75 copies of prepared testimony must be delivered to the Subcommittee clerk (Ms. Gerri Fitzgerald, 3574 House Annex No. 2, Washington, D.C. 20515) at least 48 hours in advance of the hearing.



EDWIN B. FORSYTHE
Ranking Minority Member
Subcommittee on Fisheries
and Wildlife Conservation
and the Environment

Sincerely,



JOHN B. BREAUX
Chairman
Subcommittee on Fisheries
and Wildlife Conservation
and the Environment