

# North Pacific Fishery Management Council

Harold E. Lokken, Chairman  
Jim H. Branson, Executive Director

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## EXECUTIVE DIRECTOR'S REPORT

July 27-28, 1978

North Pacific Fishery Management Council Meeting

### MANAGEMENT PLAN PERFORMANCE AUDIT

An FMP performance audit is feasible and we should be able to compile it with a reasonable amount of work. I will work up a format for review by the SSC and the Council. The appropriate time for a performance audit would appear to be at the first revision of an existing FMP. That means that audits will come at various times during the year since it's intended that the FMPs themselves will be staggered.

### JAPANESE CRAB FISHERY SOUTH OF 58° NORTH

The Council's request to allow the Japanese crab mother ships to fish south of 58° North and west of 173° West was acted on rapidly and became effective with publication in the Federal Register on July 2, 1978.

### MARINE RESOURCES INCORPORATED JOINT VENTURE

The permit for the Soviet factory ship SULAK to buy and process fish caught by American fishermen has been approved with the same conditions and restrictions as imposed on the KMIDC/Davenny joint venture permit. It will be sent forward to the Soviets as soon as they have accepted the conditions and paid the fees.

### KING CRAB FMP

The first draft of the management plan for king crab off Alaska is due in early October. It would be appropriate for the king crab steering committee (James Campbell, Don Hale, Robert Mace, Donald McKernan, Ron Skoog) to meet with the development team in the near future to give them some direction on Council objectives for the plan. The development team consists of Al Kimker, Alan S. Davis, Tim Koeneman, Larry Edfelt, Don Collinsworth, Jack Lechner, and Guy Powell, all of the Alaska Department of Fish and Game. From NMFS, Jerry Reeves, Jim Olsen, and Murray Hayes have been appointed as members of this development team.

We have no record of any Advisory Panel members appointed to this development team. This would be an appropriate meeting to do so. Because of changes in the Alaska Department of Fish and Game, i.e., promotion of Don Collinsworth to Deputy Commissioner, the SSC may wish to recommend a replacement for him.

### RESERVATIONS AT PUBLIC HEARINGS

I'd like to have an indication of those who plan to attend public hearings on the High Seas Salmon (Ocean Troll) Plan in Ketchikan, Petersburg, Sitka, and Pelican, so that we can make reservations now.

### PUBLIC HEARINGS FOR BERING SEA AND ALEUTIAN GROUND FISH PLAN

We must develop a schedule of public hearings for the Bering Sea and Aleutian Groundfish FMP. I would like Council recommendations on time and place. My suggestion would be October, prior to the October Council meeting, with hearings at Unalaska, Kodiak, and Anchorage.

### NEW COUNCIL STAFF POSITION

As I indicated when we developed the FY79 budget earlier this year, I felt it was probably going to be necessary to increase the staff by one writer. The need is becoming more apparent as we get into management plan revision as well as initial drafting. While we can expect to get the original FMPs developed by the multi-agency teams already designated, I think it may be necessary to do most of the revision and redrafting ourselves. While it will still require considerable input from both the Alaska Department of Fish and Game and National Marine Fisheries Service, the actual writing and much of the collation of data can be accomplished by staff, allowing agency people to spend more time with their primary duties.

My intention is to find a writer with some biological background and, hopefully, experience in the North Pacific Fisheries. We have developed a position description and had it rated by NOAA/NMFS personnel division for salary scale. It's intended that the salary be dependent on the experience and ability of the new hire. It could be anywhere through the GS7-12 range, although it would be logical to hire someone in the lower end of this range initially. If the Council approves this concept, I would expect to recruit to have someone aboard by the beginning of the fiscal year, that is, October 1.

### GENERAL ACCOUNTING OFFICE AUDIT

Three auditors were in the Council headquarters from the General Accounting Office for a week in July with two of them staying for an additional three days. They are also covering Juneau and Seattle and expect to get

to Kodiak and Unalaska before they finish. While here they talked to Council members Tillion and Campbell and Advisory Panel member Joe Kurtz. They expect to talk to many more of you before they finish. This is not a fiscal audit. It is a management and performance audit and judging from the questions they're asking, should point up the problems we're having with implementation of the Fishery Conservation and Management Act and the development of management plans.

#### REPORT ON MANAGEMENT PLAN DEVELOPMENT

We are starting a monthly update system on management plan development. The first is included as agenda item 10. With nine plans currently in progress, a formalized tracking system is becoming necessary to keep track of development team meetings, draft progress, printing schedules, public hearings, etc. Your suggestions on format would be appreciated.

#### COUNCIL TRAVEL

Council members Clem Tillion, Joe Kurtz, Sig Jaeger, Bob Alverson, and Jack Robinson attended the Limited Entry Conference in Denver July 17-19. Staff members Branson and Hutton, with Kim White and Jim Ellis, were also in attendance. Don McKernan and Don Bevan were also there, of course, but not sponsored by the North Pacific Council. The meeting was well attended, well organized and conducted, and in my personal opinion was considerably more useful than most of the workshops that I have attended. I would expect the transcript that will be developed from this workshop to be a very useful, long-lasting, reference document.

## VISIT TO WASHINGTON, D.C.

I followed the Limited Entry Conference with two days in the NMFS Central Office in Washington, going over management plan scheduling, development, and revision with the staff. The system is still set up to manage paper rather than fish, and it appears doubtful that it can be made to work saddled with the encumbrances of the other regulations (FACA, APA, NEPA, etc.). We may be moving nearer regionalization of review and development of regulations. Mr. Leitzell indicated this in his visit to Alaska in early July, and also at his opening address at the Limited Entry Conference. It is not an accomplished procedure, however, and probably will not be for some time.

I expect that management plan review (which includes regulations) and delegation of authority to the regions will be two of the major topics at the Chairmen's meeting next October. I have suggested to NMFS that an Executive Director's meeting immediately prior to or immediately following the Chairmen's meeting to work on the nuts and bolts of plan review, drafting and implementation, is desirable, and that I would attempt to organize such a meeting. They might wish to send some of their management staff to attend and work with the Directors. I've felt for some time that a workshop for all of the Executive Directors would be a first approach to sharing ideas and problems with the hope that between us we can come up with some way of streamlining the process and still satisfy the enumerable administrative and legal requirements, or perhaps finding a way to eliminate some of them.

### LEITZELL VISIT TO ALASKA

Terry Leitzell, Assistant Administrator for Fisheries, spent the week of July 10 in Alaska and met the morning of July 10 for an hour-and-a-half in the Council offices with Commissioner Skoog, Deputy Commissioner Collinsworth, Regional Director Harry Rietze, Jim Brooks, Keith Specking, Mark Hutton, myself, and Bill Aron and Joe Slavin from the NMFS Central Office. Discussion centered on regionalization of authority to open and close seasons, adjust catches, etc. This concept was again stressed as a cornerstone of the management philosophy for both the State of Alaska and the management plans developed by the North Pacific Council. Mr. Leitzell appears to favor it in concept, but still finds legal problems with that kind of delegation.

I again stressed the importance of this concept during my visit to Washington, and pointed out that without it the cooperative agreement between the State of Alaska and the federal government now ready for signature would probably not be signed, since that is one of its major provisions.

### MISCELLANEOUS CORRESPONDENCE

A visiting three-man delegation from the Republic of Korea left a request for an increase in allocations for the remainder of 1978 with us. It was mailed to you earlier this month. Allocations to individual countries is not a Council responsibility or function and I explained this to the delegation. No Council action is required on the request.

FINANCIAL REPORT

The Financial Report for each of the grants thru June is included.

Since July 1, 1978 the Council has written checks totalling \$74,184.09.

NO.	TITLE & CONTRACTOR	AMT OF CONTRACT	PERIOD OF CONTRACT	REPORTS RECEIVED OR DUE	GRANT NO.	PAYMENTS MADE OR DUE	BILLING STATUS
77-1	ADF&G - Dev. & Writing of Mgt. Plans	\$60,000	3-1-77 to 9-30-78	None required	04-7-158-44026	9-9-77 - \$7,601.82 2-17-78 - 11,693.25 5-11-78 - 11,841.84 7-12-78 - 15,220.95	
77-4	University of Washington Continent of Origin	\$44,500	10-1-77 to 9-30-78	1-15-78 received 4-27-78 received 7-27-78 Due	4-7-158-44145	2-9-78 - 5,454.27 4-13-78 - 16,795.25	Billing Due
77-5	ADF&G Observer Program Groundfish	\$100,000	9-30-77 to 9-30-79	1-17-78 project reviewed Progress report 5-26-78	4-7-158-44145	5-16-78 - 5,152.11 7-24-78 - 11,887.88	
78-1	University of Alaska Sea Grant - Joint Venture Investigation	\$33,431	1-16-78 to 6-15-78 8-15-78*	3-20-78 received 5-22-78 6-22-78 Prog. Rept. 7-30-78 Final Rept.	04-7-158-44145	4-24-78 - 1,931.21 5-12-78 - 194.52	Pending Final Report
78-2	ADF&G Pass Thru Funding	\$25,000	10-1-77 to 9-30-78	None required	4-8-M01-16	7-12-78 - 1,962.52	
78-3	State of Alaska Pass thru Funding Office of Governor	\$25,000	10-1-77 to 9-30-78	None required	4-8-M01-16	5-4-78 - 5,830.79	Billing Due
78-4	Fisheries Information System - ADF&G	\$197,600	3-1-78 to 3-31-79	6-30-78 Quarterly Report Rec.	04-7-158-44145	5-15-78 - 1,382.82 7-12-78 - 14,408.83	
78-5	Herring Biology Study - ADF&G	\$103,000 - 1st year funded \$137,000 - 2nd year		8-14-78 Progress Report Due	04-7-15-44145	5-15-78 - 7,004.27	
78-6	Herring Socioeconomic Study - Dames & Moore	\$ 80,826		7-24-78 Interim Formal Report	04-7-15-44145	5-16-78 - 18,512.56 6-6-78 - 5,376.84	
78-7	Tag Recovery Program ADF&G	\$ 79,300	5-1-78 4-1-79	9-25-78	04-7-15-44145	7-1-78 - 3,158.20 7-24-78 12,305.29	
78-8	Troll Salmon Logbook Analysis - ADF&G	\$ 10,688	4-12-78 9-30-78	9-30-78 Final Report	04-7-15-44145		Billing Due



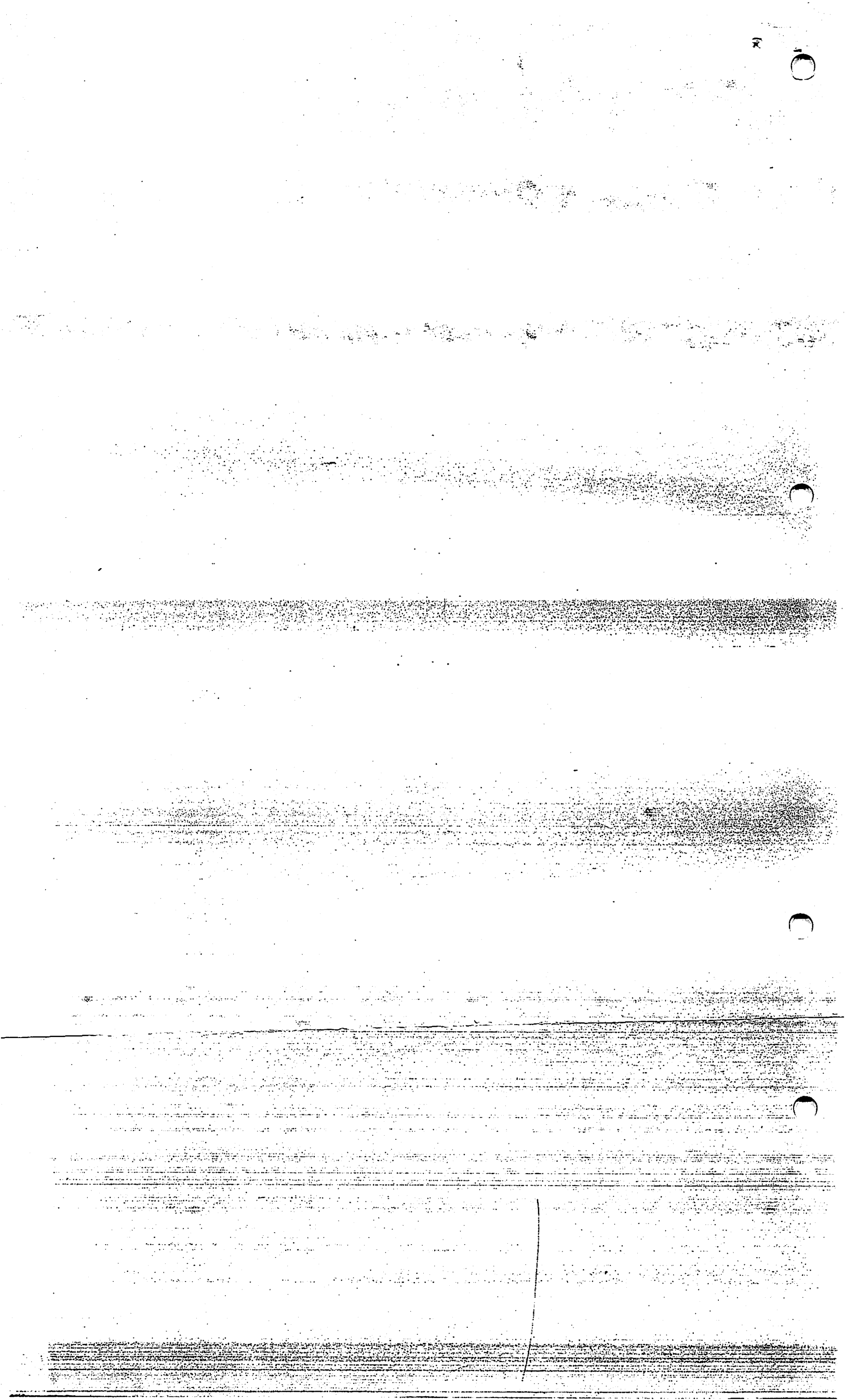
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78-9	Troll Observer Program - ADF&G	\$ 36,210	5-26-78 4-30-79	7-24-78 Interim Progress Report	04-7-15-44145	Billing Due
78-10	Clam Study - Eastern B.S. - Tetra Tech, Inc.	\$107,550	5-26-78 11-20-78	7-21-78 Rec.	04-7-15-44145	Billing Past Due

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL  
Grant #04-8-M01-16  
Financial Status Report for the Month of June 1978

	<u>Budgeted</u>	<u>Expended to Date</u>	<u>Balance</u>	<u>Monthly Expenditures</u>
Salaries				
Staff	177,000.00	127,936.43	49,063.57	22,977.16
Council	55,800.00	26,266.00	29,534.00	5,253.20
Parttime	10,000.00	270.00	9,730.00	38.00
Benefits	51,357.00	24,346.60	27,010.40	3,950.87
Travel				
Council members				
Council meetings	59,200.00	21,476.26	37,723.74	5,510.09
Special Travel	10,000.00	--	10,000.00	--
Advisory Panel				
Council meetings	82,000.00	22,365.51	59,634.49	4,479.22
SSC				
Council meetings	32,800.00	14,320.09	18,479.91	3,619.24
Special travel	5,000.00	--	5,000.00	--
Staff	25,000.00	5,407.03	19,592.97	28.55
Freight	1,000.00	160.12	839.88	--
Rents	55,000.00	37,384.96	17,615.04	7,035.12
Communication	13,000.00	12,670.64	329.36	2,525.72
Printing	2,000.00	260.06	1,739.94	--
Contracts	18,000.00	14,063.31	3,936.69	1,539.00
Supplies	6,000.00	5,289.30	710.70	1,137.64
Equipment	5,000.00	3,543.59	1,456.41	403.73
Insurance	1,500.00	151.00	1,349.00	--
Training	800.00	647.95	152.05	292.95
Pass through funds	50,000.00	5,830.89	44,169.11	--
Management Plans				
Tanner crab	12,500.00	2,339.98	10,160.02	126.89
King crab	25,000.00	801.58	24,198.42	--
Gulf groundfish	12,500.00	2,475.29	10,024.71	215.93
High seas salmon	25,000.00	--	25,000.00	--
Troll salmon	25,000.00	12,806.59	12,193.41	187.24
Clam	25,000.00	2,418.98	22,581.02	101.68
Bering Sea groundfish	25,000.00	2,033.31	22,966.69	125.00
Herring	25,000.00	901.08	24,098.92	316.61
Travel				
Council	39,360.00	453.81	38,906.19	--
Advisory Panel	82,000.00	--	82,000.00	--
SSC	32,800.00	--	32,800.00	--
Staff	36,900.00	1,785.28	35,114.72	--
<b>Total</b>	<b>1,026,517.00</b>	<b>348,405.64</b>	<b>678,111.36</b>	<b>59,863.84</b>
Total Grant Receivable, Beginning of Month	844,500.00			
Drawdown to date for month	80,000.00			
Increases to grant for month	--			
Grant Receivable End of Month (LOC)	764,500.00			
Cash in Bank, beginning of month		<71,438.81>		
Receipts for month		80,025.00		
Disbursements for month		94,991.83		
Cash in Bank, End of month		<86,405.64>		



7-xxx2  
 NORTH PACIFIC FISHERY MANAGEMENT COUNCIL  
 Grant #04-158-44145  
 Financial Status Report for the Month of June 1978

	<u>Budgeted</u>	<u>Expended to Date</u>	<u>Balance</u>	<u>Monthly Expenditures</u>
77-4 University of Washington, Salmon Continent of Origin	44,500.00	22,250.00	22,250.00	--
77-5 ADF&G, Groundfish Observer	100,000.00	5,152.11	94,847.89	--
78-1 University of Alaska Joint Ventures Analysis	33,431.00	2,125.83	31,305.17	--
78-4 ADF&G, Computer Program	+*197,600.00	1,382.82	196,217.18	--
78-5 ADF&G, Bering Sea Herring	**103,000.00	7,004.27	95,995.73	--
78-6 Dames & Moore, Socio-Eco Herring Study	80,826.00	46,189.29	34,636.71	27,676.73
78-7 Troll Salmon Tag Recovery	79,300.00	3,148.20	76,151.80	2,402.40
78-8 Troll Logbook Data	10,668.00	--	10,668.00	--
78-9 Troll Salmon Observer	36,210.00	--	36,210.00	--
78-10 Clam - Eastern Bering Sea	<u>100,000.00</u>	<u>--</u>	<u>100,000.00</u>	<u>--</u>
Total	785,535.00	87,252.52	698,282.48	30,079.13

Total Grant Receivable, Beginning of Month	572,068.00
Drawdown to Date for Month	--
Increase to Grant for Month	--
Grant Receivable, End of Month	572,068.00
Cash in Bank, Beginning of Month	30,826.61
Receipts for Month	--
Disbursements for month	30,079.13
Cash in Bank, End of Month	747.48

- + Exceeds FY78 budget - contract and funds approved after budget okayed by NOAA
- \* Funding for two years, FY78 and FY79
- \*\* An additional \$137,000.00 will be included in FY79 programmatic budget, making total for this contract \$240,000.00

7-xxx1  
 NORTH PACIFIC FISHERY MANAGEMENT COUNCIL  
 Grant #04-7-158-44026  
 Financial Status Report for the Month of June 1978

	<u>Budgeted</u>	<u>Expended to Date</u>	<u>Balance</u>	<u>Monthly Expenditures</u>
FY77 operating expenses	No budget	269,181.56	--	--
77-1 ADF&G, Writing and Development of Management Plans	60,000.00	31,116.91	28,883.09	--
Totals	--	300,298.47	--	--

Total Grant Receivable, Beginning of Month	75,400.00
Drawdown to date for month	--
Increases to grant for month	--
Grant Receivable, End of Month (LOC)	75,400.00

Cash in Bank, Beginning of Month	142,501.53
Receipts for month	--
Disbursements for month	--
Cash in Bank, End of month	142,501.53

Agenda Item #3  
July 1978

July 13, 1978

Dear Chairman:

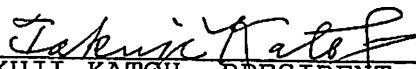
I, on behalf of the Japanese Tanner crab industry, wish to express my deep appreciation to you for the matter mentioned below.

It is thanks to the utmost efforts and consideration rendered by you and all other people concerned that the amendment to the P.M.P., pursuant to the decision made at the June meeting of the NPFMC, permits the fishing area to be expanded for the Japanese Tanner crab fleets and that it came into effect much earlier than had been expected. My firm belief is that the said amendment should further help our factory fleets accomplish the objective. I believe as well that our request has been accepted on the full understanding of U.S. fishermen that the Japanese market for Tanner crab exploited by the Japanese fishing industry has contributed substantially to the development of the U.S. fishery.

I hope that both Japanese and U.S. fishing industries will cooperate each other in the efficient utilization of the resources and continued expansion of the market for the development of fisheries.

I respectfully request that necessary and appropriate measures be taken to ensure the continued operation of the traditional Japanese Tanner crab factory fleets.

Sincerely yours,  
Representative of the Japanese  
Tanner crab industry

  
TAKUJI KATO, PRESIDENT  
NICHIRO GYOGYO KAISHA, LTD.



DEPARTMENT OF STATE

Washington, D.C. 20520

Agenda Item #3

July 1978

BUREAU OF OCEANS AND INTERNATIONAL  
ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

July 25, 1978

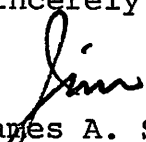
Mr. Harold Lokken  
Chairman  
North Pacific Fishery  
Management Council  
Suite 32  
333 West Fourth Avenue  
Anchorage, Alaska 99510

Dear Mr. Lokken:

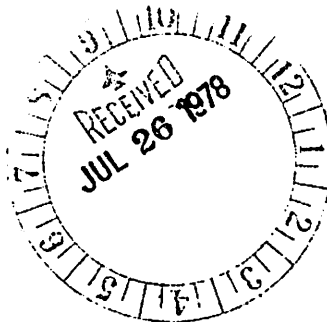
Enclosed please find a copy of the draft agreement recently proposed by the Soviet Union, regarding U.S. fishing off the Soviet coast.

The comments or recommendations of the Council will be appreciated.

Sincerely,

  
James A. Storer  
Director  
Office of Fisheries Affairs

Enclosure: as stated.





D R A F T

LS 67858  
AO  
Russian

Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America on pollock fisheries in the areas of the Northwest Pacific Ocean adjacent to the coasts of the U.S.S.R.

The Government of the Union of Soviet Socialist Republics and the Government of the United States of America

Recognizing their mutual interests in the protection, reproduction, and optimal utilization of living resources in the areas of the Northwest Pacific Ocean adjacent to the coasts of the Union of Soviet Socialist Republics;

Acknowledging the sovereign rights of the Union of Soviet Socialist Republics over the fishery and other living resources as established by the Decree of the Presidium of the Supreme Soviet of the U.S.S.R. of December 10, 1976 "On temporary measures for the protection of live resources and the management of fisheries in sea areas adjacent to the coast of the Union of Soviet Socialist Republics";

Taking into account the discussion at the Third U.N. Conference on the Law of the Sea of problems associated with the rights of a coastal state on living marine resources near its coast;

Considering the provisions of Article XIII of the Agreement Between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America on fisheries near the coast of November 26, 1976; and

Desirous to establish modalities and conditions for the fishery of pollock with respect to which the Union of Soviet Socialist Republics applies measures for the protection of living resources and fisheries management,

Have agreed on the following:

#### Article I

The purpose of this Agreement is to establish modalities and conditions according to which citizens and vessels of the United States of America may conduct a specialized fishery for pollock and other species of fish appearing in the by-catch in the areas of the Northwest Pacific Ocean adjacent to the coast of the Union of Soviet Socialist Republics, with respect to which the Union of Soviet Socialist Republics applies measures for the protection of living resources and fisheries management as provided for by the Decree of the Presidium of the Supreme Soviet of the U.S.S.R. of December 10, 1976.

Article II

In this Agreement the term "living resources" with regard to which the Soviet Union applies the sovereign rights for the protection, reproduction and optimal utilization, denotes all fin fish, molluscs, crustaceans and other forms of marine fauna and flora, except marine mammals, dwelling in the marine areas adjacent to the coasts of the Union of Soviet Socialist Republics, all species of diadromous fish that spawn in the waters of the Union of Soviet Socialist Republics and migrate within the boundaries of a migration area except periods when they may be located inside territorial waters, economic or fishery zones of other states recognized as such by the Union of Soviet Socialist Republics, as well as all living resources of the Continental Shelf of the Soviet Union.

2. "pollock fishery" denotes

- a. the fishery for pollock and other species of fish appearing in its by-catch;
- b. scouting and other operations associated with such fishery;
- c. any other activity as a result of which one may reasonably expect the catch, landing or removal of fish, or
- d. any operations at sea which are directly auxiliary

or preparatory for any activity described in subparagraphs a.-c. above, provided that such term does not include other legitimate forms of exploitation of the high seas.

3. "areas of the Northwest Pacific Ocean adjacent to the coasts of the Union of Soviet Socialist Republics" denote marine areas of the Northwestern part of the Pacific Ocean adjacent to the territorial waters of the Union of Soviet Socialist Republics, the boundary of which runs at a distance of 200 nautical miles measured from the same baseline as the territorial sea of the Union of Soviet Socialist Republics.

4. "fishery vessel" denotes any vessel, boat, ship or other craft which are used, equipped for use or represent a type usually used for:

- a. fisheries, or
- b. auxiliary purposes or to assist one or more vessels at sea in the exercise of any activity associated with fisheries including preparation, supply, storage, freezing, transportation or processing.

5. "marine mammals" denotes any marine mammal morphologically adjusted to the marine environment in-

cluding sea otters and species of the orders of Sirendidae, Pinnipedia and Cetacea or those primarily dwelling in a marine environment.

### Article III

1. The Government of the Union of Soviet Socialist Republics undertakes the optimal utilization of fishery and other living resources on the basis of appropriate scientific data, and to this end establishes:

a. the part of the annual permissible catch of pollock and other species of fish appearing in the by-catch that may be taken by U.S. citizens and vessels if the volume of the total permissible catch of these species exceeds the production capability of the Soviet fishery;

b. measures for the optimal exercise of fisheries, protection and reproduction of living resources.

2. The competent organs of the Union of Soviet Socialist Republics shall annually determine measures required to prevent exceeding the assigned quota and shall, as required, introduce corrections into the catch quotas which may be caused by unforeseen circumstances affecting the living resources.

3. The Government of the Union of Soviet Socialist Republics shall inform the Government of the United States of America in due time of the decisions provided for in this Article.

#### Article IV

The Government of the United States of America shall take all necessary measures to provide that:

1. citizens and vessels of the United States of America shall refrain from fishing for living resources with respect to which the Union of Soviet Socialist Republics exercises the right of fisheries management except for what is provided in this Agreement;

2. all citizens and vessels of the United States of America shall comply with the provisions of the permits issued under this Agreement and Union of Soviet Socialist Republics legislation in force;

3. the total quota by species assigned to U.S. citizens and vessels as mentioned in Article III, paragraph 1.a. of this Agreement may not be exceeded.

Article V

The competent organs of the Government of the United States of America may apply to the competent organs of the government of the Union of Soviet Socialist Republics to obtain a permit for each U.S. fishery vessel that wishes to fish under the provisions of this Agreement. Such requests must be prepared and executed in accordance with Appendix I of this Agreement which shall constitute an integral part thereof. The Government of the Union of Soviet Socialist Republics may levy a reasonable fee for such permits.

Article VI

The Government of the United States of America shall ensure that citizens and vessels of the United States refrain from disturbing, hunting, catching or killing, or from attempting to disturb, hunt, catch or kill any marine mammal in the sea areas adjacent to the coasts of the Union of Soviet Socialist Republics except those cases that may be provided for in international agreements concerning marine mammals to which the Union of Soviet Socialist Republics and the United States are parties.

Article VII

The Government of the United States of America shall ensure that in conducting fisheries under this Agreement:

1. the fishing permit shall always be aboard U.S. vessels engaged in the fishery;

2. the appropriate equipment by which to determine the vessel's position and identification shall always be installed aboard such vessel and maintained in an operating condition;

3. observers appointed by the Union of Soviet Socialist Republics shall be allowed, upon their request, to come aboard any such fishery vessel, that during their presence aboard such vessel they shall be regarded as officers thereof and that, in addition, the Government of the Union of Soviet Socialist Republics be compensated for any expenses associated with the utilization of such observers;

4. all necessary measures shall be taken to provide immediate and appropriate compensation of Soviet ship-owners for any loss or damage to their fishery vessels, fishing gear or catch caused by any fishery vessel of the United States of America as provided by the Union of Soviet Socialist Republics legislation.



Article VIII

1. The Government of the United States of America shall adopt such measures as required to ensure that any U.S. fishery vessel engaged in the fishery for living resources to which apply the sovereign rights of the Soviet Union permit and assist the boarding and the inspection of such vessel by a duly authorized U.S.S.R. inspector and cooperate in the performance of any such inspection that may be undertaken under U.S.S.R. law.

2. In cases where any fishery vessel of the United States of America has violated the provisions of this Agreement or the provisions of the permit issued in accordance therewith, the Government of the Union of Soviet Socialist Republics shall inform immediately the Government of the United States of America, through diplomatic channels, of such facts and of the action undertaken.

3. For the purpose of providing a rapid and appropriate compensation to citizens of one country for any loss or of damage to their fishery vessels, fishing gear or catch caused by any fishery vessel of the other country, both Governments have established a Soviet-American Fishery Claims Board as provided in the Agreement Relating to the Consideration of Claims

Resulting from Damage to Fishing Vessels or Gear and Measures to Prevent Fishing Conflicts, signed at Moscow February 21, 1973.

Article IX

1. The Government of the Union of Soviet Socialist Republics, in accordance with U.S.S.R. legislation in force, shall impose appropriate penalties upon fishery vessels of the United States of America or their owners or organizations operating these vessels, who violate the requirements of this Agreement or any permit issued in accordance therewith.

2. In the case of inspections undertaken by competent organs of the Soviet Union, the economic losses due to loss of fishing time suffered by the vessel that has performed the violation and by its crew will be reduced to a minimum by immediately releasing both vessel and crew upon payment of a reasonable bail or any other guarantee.

Article X

The Government of the United States of America shall engage in cooperating with the Government of the Union of Soviet Socialist Republics in conducting scientific

research required to manage and conserve the living resources of pollock in the Northwest Pacific Ocean and in compiling the best available scientific information for the purpose of regulating the fisheries and conserving the stocks of mutual interest under this Agreement. The competent organizations of both governments shall create those conditions that may be necessary to facilitate such cooperation, including the exchange of information and scientists, regularly scheduled meetings of scientists to prepare research plans and review research in progress, as well as the compilation and maintenance of a standardized system for collecting and storing relevant statistical and biological data in accordance with the procedures contained in Appendix II which is an integral part of this Agreement.

#### Article XI

The Government of the Union of Soviet Socialist Republics and the Government of the United States of America will conduct periodically bilateral consultations concerning the implementation of this Agreement and the development of further cooperation in the field of fisheries of mutual interest.

Article XII

Nothing in this Agreement shall prejudice the viewpoints or positions of the Contracting Parties concerning problems of law of the sea or agreements in force between the Contracting Parties or existing multilateral conventions.

Article XIII

1. This Agreement shall enter into force on the date of the exchange of notes confirming that the required constitutional procedures have been fulfilled by the Contracting Parties. It shall remain in force until \_\_\_\_\_, unless terminated sooner by either Contracting Party after giving preliminary notification of such termination twelve months in advance.

2. This Agreement may be subject to review by the two Governments upon the conclusion of a multilateral treaty based on the resolution of the Third U.N. Conference on the Law of the Sea.

In witness whereof, the undersigned, being  
duly authorized for this purpose, have signed this  
Agreement.

Done at Moscow, 1978, in  
duplicate, in the English and Russian languages,  
both texts being equally authentic.

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For the Government of the  
Union of Soviet Socialist  
Republics

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For the Government of  
the United States of  
America

Appendix I

Submission of applications and issuance of permits for U.S. citizens and fishery vessels to fish pollock and other species of fish appearing in the by-catch with respect to which the Union of Soviet Socialist Republics exercises its sovereign rights, and maintenance of a fishery log shall be performed according to the modalities and conditions set forth below.

1. The competent organs of the United States of America shall submit to competent Soviet organs applications for permits for U.S. citizens and fishery vessels wishing to conduct fisheries in accordance with this Agreement. Such applications shall be submitted in a form coordinated among the competent organs of the Contracting Parties. The system of executing and presenting the applications shall be determined by the competent Soviet organs.

2. The competent Soviet organs shall consider the applications and in accordance with the provisions of this Agreement shall make decisions on issuing permits to U.S. citizens and fishery vessels to fish pollock and other species of fish appearing in its by-catch in the marine areas referred to in Article I of this Agreement.

They shall also determine the conditions and restrictions which may be required to conserve living resources and manage the fishery as well as the fees required. The system of issuing permits shall be determined by the competent Soviet organs.

3. In case of a refusal to issue a permit, the competent Soviet organs shall inform the competent U.S. organs accordingly. The competent organs of the Contracting Parties may, as necessary, consult with one another on this matter. After such consultations the competent U.S. organs may resubmit the application.

4. If these U.S. citizens and fishery vessels should violate the provisions of this Agreement, officials of the competent Soviet organs may suspend the permits issued.

5. When fishing in the marine areas referred to in Article I of this Agreement, all U.S. fishery vessels must have aboard the permits issued to them at all times.

6. The U.S. fishery vessels provided with permits, when fishing in marine areas referred to in Article I of this Agreement, shall maintain a fishery log in a form coordinated among the competent organs of the Contracting Parties.

7. The provisions of this Appendix may be amended by agreement through an exchange of notes between the two governments.



Appendix II

Methods  
of collecting biostatistical information and reporting data  
on catches of U.S. fishery vessels in marine areas of the  
Northwest Pacific Ocean adjacent to the coasts of the Union  
of Soviet Socialist Republics

The methods of collecting biostatistical information and reporting data on catches of U.S. fishery vessels as described below are required for monitoring the status of stocks of the exploitable population of commercial species, and also for the evaluation of the possible changes in the fishery resources.

The results of applications and further improvement of the methods of collecting biostatistical information shall be discussed at regular meetings of U.S.S.R. and U.S. scientists.

All data described below shall be reported to the All-Union Commercial Fishery Association "Dal'ryba" (Vladivostok, U.S.S.R.).

If available, summary information based on the monthly and quarterly biological and statistical catch data submitted by the United States to the aforementioned Association, will be transmitted to the appropriate U.S. fishery centers upon their request.

1. Catch data requirements for all types of fishery for pollock and other species appearing in its by-catch.

The United States of America shall report by May 30 of the following year the following data on catch and effort for the preceding year:

Effort: In hours trawled, by vessel class, by gear type, by month, by statistical area of  $1/2^{\circ}$  latitude x  $1^{\circ}$  longitude;

Catch in metric tons: By vessel class, by gear type, by month, by  $1/2^{\circ}$  latitude x  $1^{\circ}$  longitude statistical area, by species and groups of species coordinated among the competent organs of the Parties.

In addition to the above annual data, the United States shall report by the end of the following month provisional fishery information for each month as follows:

Effort in vessel-days on the grounds by vessel, class and gear type;

Catch (in metric tons) of each species and group of species coordinated among the competent organs of the Parties for each of the U.S. areas for the fishery of pollock and other species appearing in its by-catch

in the marine areas of the Northwest Pacific Ocean adjacent to the coasts of the Union of Soviet Socialist Republics.

2. Methods of collecting biostatistical information.

During the first year in which this Agreement is in force the United States shall not be required to take biological samples. In the future the collection of biological data from U.S. catches of pollock and other species appearing in its by-catch shall be coordinated for the purpose of achieving specific scientific tasks in accordance with a sampling system jointly developed by consultation between Soviet and American scientists.

3. In addition to the reports mentioned in paragraphs 1 and 2 of this Appendix, competent U.S. organs shall submit to the U.S.S.R. Fisheries Ministry a weekly catch report by species (from Sunday to Saturday) applied (?) to each vessel. This weekly report shall be compiled in a form coordinated among the competent organs of the Contracting Parties.

4. The provisions of this Appendix may be amended by agreement through an exchange of notes between the two governments.

Appendix III

Procedures for U.S.S.R. Port Calls

Article ( ) of the Agreement provides for the right of fishery vessels of the United States of America allowed to fish pollock pursuant to the Agreement to enter ports of the Union of Soviet Socialist Republics. This Appendix designates the ports and purposes authorized and describes the procedures which govern port calls.

1. Fishery vessels of the United States of America which have received permits or have been authorized to receive permits to fish pollock under this Agreement are authorized, beginning on the date of entry into force of the Agreement, to call at the ports of Nakhodka, Poronaysk, Provideniye, Korf, and Oktyabr'skiy, pursuant to the following procedures.

2. Fishery vessels of the United States of America may enter the ports specified above to replenish ships' stores or fresh water, obtain bunkers, provide rest for or make changes in their crews, to obtain repairs and other services normally provided in these ports, and to receive permits to fish pollock. Vessels enroute to one

of the ports designated in Paragraph 1 to receive such permits will be regarded as vessels not fishing for pollock, so long as such vessels do not receive the permit referred to above.

3. Entry shall be permitted subject to notice to the agency "Inflot" at the scheduled port of call, forwarded so as to be received four days prior to port entry.

All such port calls are performed in accordance with the laws and regulations in force in the Union of Soviet Socialist Republics, including the Decree of the Presidium of the Supreme Soviet of the U.S.S.R. of February 26, 1974, "On increasing the liability for polluting the sea with materials noxious to human health and to live marine resources."

4. Competent Soviet organs in Moscow and the Embassy of the Union of Soviet Socialist Republics at Washington will accept crew lists in applications for visas valid for a period of six months for multiple entry into U.S.S.R. ports specified in Paragraph 1 herein. Such a crew list shall be submitted at least 14 days prior to the first entry of a fishery vessel of the United States of America into a U.S.S.R. port. Submission of an amended (supplemental) crew list subsequent to the departure of a fishery vessel from a port

of the United States of America will also be subject to the provisions of this Paragraph. The visas issued in accordance with the amended (supplemental) crew list shall only be valid for six months from the date of issuance of the original crew list visa. The notification of entry of a fishery vessel of the United States of America shall specify if shore leave is required under such multiple entry.

5. In cases where a seaman of the United States of America is evacuated from his vessel to the Union of Soviet Socialist Republics for the purpose of obtaining emergency medical assistance, the representatives of the United States of America shall ensure that the seaman departs from the Union of Soviet Socialist Republics within 14 days after his release from the hospital.

6. The exchange of crews of fishery vessels of the United States of America at ports specified in Paragraph 1 herein, shall be permitted subject to submission to the Embassy of the Union of Soviet Socialist Republics in Washington of applications for individual visas for replacement crewmen. The applications shall be submitted 14 days in advance of the date of the scheduled arrival of these crewmen in the Union of Soviet Socialist

Republics and shall indicate their names, dates and places of birth, the purpose of the visit, the name of the vessel to which assigned, and the modes and dates of arrival of all replacement crewmen. Each application shall be accompanied by the passport or seaman's document of the seaman. Subject to the laws and regulations of the Union of Soviet Socialist Republics, the U.S.S.R. Embassy shall issue a visa to each U.S. passport or seaman's document. In addition to the requirements above, the name of the vessel, the date of its expected arrival at a U.S.S.R. port, a list of names, dates and places of birth for those crewmen who shall be replaced under the responsibility of U.S. representatives for repatriation to the United States of America and the dates and manner of their departure from the Union of Soviet Socialist Republics shall be submitted to the U.S.S.R. Ministry of Foreign Affairs 14 days prior to entry into U.S.S.R. ports of a U.S. fishery vessel specified in Paragraph 1, the crew of which will be exchanged.

7. Special provisions shall be observed with regard to the entry of research vessels of the United States of America which are engaged in a mutually agreed research

program in accordance with the provisions of Article X of the Agreement. Requests for the entry of research vessels should be directed to the U.S.S.R. Ministry of Foreign Affairs through diplomatic channels.

8. The provisions of this Appendix may be amended through an exchange of notes between the two Governments.





JUN 15 1978

Honorable Henry M. Jackson  
Chairman, Committee on Energy  
and Natural Resources  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

This is in response to your request for our views on subsection 303(d) of House-passed H.R. 39, an Act

"To designate certain lands in the State of Alaska as units of the National Park, National Wildlife Refuge, Wild and Scenic Rivers, and National Wilderness Preservation System, and for other purposes."

Subsection 303(d) would establish "special management areas" 6 miles seaward of all coastal wildlife refuges in Alaska (other than the Kenai National Wildlife Refuge). These seaward areas would not be included within the boundaries of the wildlife refuges.

A Seaward Area Management Planning Committee, composed of representatives of the U.S. Fish and Wildlife Service, the National Oceanic and Atmospheric Administration (NOAA), and the State of Alaska, would be established to prepare comprehensive cooperative management plans in the seaward areas. Each representative on the Committee would have, in effect, a veto over a proposed plan. The Secretary of the Interior, the Secretary of Commerce, and the Governor of the State would implement the management plans with respect to those functions which are within their respective jurisdictions. If, because of disagreement between the members of the Committee, a plan is not in effect for the seaward area off a refuge, the three representatives would administer all the laws under their respective jurisdictions in that seaward area "in a manner compatible with the major purposes of such refuge and the conserving of the marine ecosystem."

Paragraphs (7), (8), and (9) of subsection 303(d) purport to leave unaffected by the provisions of the Act, among other things: any plan related to the Coastal Zone Management Act



of 1972; the application of section 307 of the Coastal Zone Management Act of 1972; and activities pursuant to the administration and implementation of the Fishery Conservation and Management Act of 1976 (FCMA); and the right of passage of vessels through any seaward area for the purpose of carrying out fishing under the FCMA within or beyond the seaward area.

The Department of Commerce strongly opposes subsection 303(d) of H.R. 39 and its inclusion in any similar legislation which the Senate might consider.

We share the concern for protecting the areas seaward of the refuges as important parts of natural ecosystems and the habitat for fish and wildlife resources found within and beyond the refuges. However, we are convinced that the intent of subsection 303(d) could be better achieved through the administration and implementation of existing laws and cooperative agreements among the various Federal, State, and private interests involved. In our opinion, this particular subsection would cause considerable confusion among the resource managers, private citizens, and other interests that would be affected by the establishment of a special jurisdictional enclave as a "seaward area" and the preparation of management plans.

In short, the subsection would create additional and unnecessary governmental regulation in an area where complicated, existing Federal and State conservation regimes have been previously mandated. Adequate statutory authority for achieving the goal of subsection 303(d) already exists. For example, the management plans prepared under the FCMA will ensure that all fishing off the coast of Alaska will be compatible with any fish and wildlife resource protection plans for wildlife refuges. In addition, the estuarine sanctuary program under the Coastal Zone Management Act and the marine sanctuary program under the Marine Protection, Research, and Sanctuaries Act could address any need for special protection of ocean areas off the coast of Alaska.

The FCMA, the Coastal Zone Management Act of 1972, the Marine Protection, Research, and Sanctuaries Act, the Endangered Species Act, the Marine Mammal Protection Act, and other existing Federal and State laws should continue to be used to protect the areas seaward of the wildlife refuges

and the fish and wildlife resources found within the seaward areas.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of our letter to the Congress from the standpoint of the Administration's program.

Sincerely,

A handwritten signature in dark ink, appearing to read 'C. L. Haslam', written in a cursive style.

C. L. Haslam