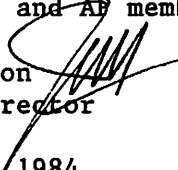


M E M O R A N D U M

TO: Council, SSC and ~~AF~~ members  
FROM: Jim H. Branson   
Executive Director  
DATE: November 28, 1984  
SUBJECT: Foreign Vessel Permit Applications

ACTION REQUIRED

Approve foreign permits for 1985.

BACKGROUND

The Council has received 606 foreign vessel permit applications for directed fishing from Japan, South Korea, USSR, Poland and Taiwan, as follows:

	<u>JA</u>	<u>ROK</u>	<u>USSR</u>	<u>POL</u>	<u>TW</u>
Stern Trawlers	162	28	30	37	--
Pair Trawlers	59	--	--	--	--
Danish Seiners	14	--	--	--	--
Factory Ships	6	3	--	--	--
Cargo/Transports	183	12	16	16	3
Tankers	5	--	--	--	--
Longliners	22	2	--	--	--
Pots	<u>8</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>
TOTAL	459	45	46	53	3

Grand Total = 606 vessels

In addition the Council has received the following 93 foreign vessel permit applications for joint ventures from Japan, South Korea, USSR, Poland and Taiwan. Many of these joint venture vessels also are among the 606 vessels applying for directed fishing privileges.

	<u>JA</u>	<u>ROK</u>	<u>USSR</u>	<u>POL</u>	<u>TW</u>
Trawlers	16	26	9	37	3
Factory Ships	<u>--</u>	<u>1</u>	<u>1</u>	<u>--</u>	<u>--</u>
TOTAL	16	27	10	37	3

Grand Total = 93 vessels

The Council's current policy on reviewing vessel permit applications is under C-6(a) and delegates authority to the Executive Director to routinely approve all permits except those for joint ventures, serious violators, new countries in the FCZ, or unusual operations. These are not new countries, nor are they for unusual operations. In addition, the Council has reviewed joint ventures under agenda item C-4 based on many factors other than violations. Therefore, under this agenda item the only vessels selected for Council review are those with serious violations. These are defined as:

- (1) A final civil penalty or assessed civil penalty of \$10,000 or more in the previous permit year;
- (2) two or more civil penalties paid or assessed totaling \$10,000 or more in the previous two permit years;
- (3) any seizures in the past five permit years.

Of all the applications received, only 37 vessels have serious violations records. These are listed in the worksheet under C-6(b).

Special Note on Joint Ventures. The Council should be aware that of the 37 serious violators, the following are applying for joint venture operations:

<u>Country</u>	<u>Vessel</u>	<u>Joint Venture</u>
Japan	AKEBONO MARU 72 TSUDA MARU TENYO MARU 5	Peter Pan/Nichiro Hoko Westward Trawlers/Taiyo
S. Korea	71 DONG BANG	Profish/Dong Bang
Poland	KALMAR KOLIAS	Alaska Contact
USSR	ZELENOGRAD	MRC
Taiwan	GOLDEN DRAGON 1	Alaska Contact or St. George Tanaq

Special Note on Japanese Longliners and Hokuten Trawler Fleets. The Council has received 22 Japanese longline/gillnet vessel applications and many of the trawler applications are for vessels associated with the Hokuten or National Federation of Medium Trawlers. Under C-5 (Foreign Allocations) the Council will have discussed the allegations against these fleets disclosed in September. The Council may wish to recommend suitable permit sanctions for vessels associated with these groups.

October 1, 1984

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

Policy on the Review of Foreign Fishing Vessel Permit Applications\*

The Magnuson Fishery Conservation and Management Act authorizes the North Pacific Fishery Management Council to receive upon request copies or summaries of applications for foreign vessels to engage in fishing operations in the Fishery Conservation Zone (FCZ) off Alaska. After receiving the application the Council has 45 days to review the applications and submit comments to the Secretary of Commerce. The Council can make recommendations on the approvability of the permit and on appropriate conditions and restrictions. Interested persons may submit comments to the Council on the permit applications, and the Council shall consider these in formulating its recommendations.

It is the policy of the Council to request copies of all permit applications for the Alaska region for review and comment. The Council has authorized the Executive Director to recommend approval of permit applications unless they are for:

- (1) Participation in joint ventures with U.S. fishermen or organizations;
- (2) ships having serious violations;
- (3) ships from countries which have never before fished in the FCZ off Alaska; or
- (4) in the Executive Director's opinion fishery operations that are in some respect unusual, such as a new fishery, unusual gear type, or other reasons.

Permit applications that meet any of the above criteria will be reviewed by the Council's Advisory Panel and Permit Review Committee, and by the Council at its regularly scheduled meetings. The Permit Review Committee, appointed by the Council Chairman, shall be composed of voting Council members and two non-voting Advisory Panel members.

In applying the second criterion, above, the following guidelines will be used to define "serious violations" and initiate permit review outside routine approval by the Executive Director:

- (1) A final civil penalty or assessed civil penalty of \$10,000 or more in the previous permit year;
- (2) two or more civil penalties paid or assessed totaling \$10,000 or more in the previous two permit years;
- (3) any seizures in the past five permit years.

\* Approved by the Council in September 1984.

For permit applications for vessels with serious violations the Council may recommend a variety of sanctions including but not limited to, permit revocation or non-renewal, reductions in the country's directed fishing allocations, and restrictions on all or part of the vessels owned and/or operated by the company owning or operating the offending ship.

Permit Review Procedure. The Council will conduct a major permit review each December for the coming year. The Council expects to have all permit applications for foreign vessels at least two weeks before the week of the Council meeting. Applications are expected to be complete and to have been published in the Federal Register by Friday preceding Council meeting week. In no case will the Council consider applications published later than Monday of the meeting week.

Oral testimony by applicants for joint ventures before the Council's Advisory Panel and Permit Review Committee, as well as the full Council is strongly encouraged. Normally, the Advisory Panel and Permit Review Committee will review permits early in the Council week. The Council will review permits and committee recommendations during its meeting. Every attempt will be made to give sufficient advance notice of meetings for permit review.

Additional permit applications arriving after December and requiring Council review will be acted on at the Council's next regularly scheduled meeting after the applications are published in the Federal Register.

WORKSHEET FOR SERIOUS VIOLATORS

Foreign Fishing Regulation:

611.4(A-D): Vessels did not properly report to the Coast Guard when they ceased or began fishing or returned to fishing after a temporary departure.

			<u>YES</u>	<u>NO</u>
JAPAN:	DAIKICHI MARU 51	(\$10k paid)	—	—
	DAITOKU MARU 31	(\$15k paid)	—	—
	HOKEN MARU 8	(\$10k paid)	—	—
	RYOAN MARU 28	(\$10k paid)	—	—
	RYUHO MARU 37	(\$10k paid)	—	—
	SACHI MARU 22	(\$15k paid)	—	—
	TOMI MARU 83		—	—
	TORA MARU 31	(\$15k paid)	—	—
	YOSHI MARU 81	(\$15k paid)	—	—

611.6(C)(3): Unsafe boarding ladder.

JAPAN:	ANYO MARU 21		—	—
	RYUHO MARU 38		—	—

611.9(A): Inaccurate log of catch and effort.

JAPAN:	RYUHO MARU 38	(\$215k paid)	—	—
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611.9(B): Inaccurate fish transfer log.

JAPAN:	HIYO MARU	(\$200k paid)	—	—
	NIKKO MARU	(\$400k bond)	—	—
	TOMI MARU 83	(\$350k paid)	—	—

611.9(D): Inaccurate daily cumulative catch log.

JAPAN:	ANYO MARU 21	(\$25k assessed)	---	---
	CHUYO MARU 22	(\$300k paid)	---	---
	DAIEI MARU 2	(\$400k paid)	---	---
	DAIRIN MARU 28	(\$400k paid)	---	---
	KAIUN MARU 65	(\$110k paid)	---	---
	KIYO MARU 55	(\$300k paid)	---	---
	KORYO MARU 23	(\$400k paid)	---	---
	KUMANO MARU 15	(\$300k paid; 4 viol.)	---	---
	RYUHO MARU 38	(\$215k paid)	---	---
	RYUSHO MARU 18	(\$10k paid)	---	---
	SHINNICHI MARU 38	(\$300k paid)	---	---
	SHOSHIN MARU 21	(\$225k paid)	---	---
	TOMI MARU 83		---	---
	YURYO MARU 31	(\$300k bond)	---	---
POLAND:	KOLIAS	(\$250k paid)	---	---
USSR:	ZELENOGRAD	(\$400k paid)	---	---
TAIWAN:	GOLDEN DRAGON 1	(\$40k paid)	---	---

611.9(E): Inaccurate weekly catch log.

JAPAN:	KUMANO MARU 15		---	---
TAIWAN:	GOLDEN DRAGON 1		---	---

611.9(I)(2): Logs unavailable to inspecting officer.

			<u>YES</u>	<u>NO</u>
JAPAN:	AKEBONO MARU 1	(\$25k assessed)	---	---
	AKEBONO MARU 2	(\$25k assessed)	---	---
	AKEBONO MARU 22	(\$25k assessed)	---	---
	AKEBONO MARU 27	(\$25k assessed)	---	---
	AKEBONO MARU 31	(\$25k assessed)	---	---
	AKEBONO MARU 32	(\$25k assessed)	---	---
	AKEBONO MARU 72	(\$25k assessed)	---	---
	DAIAN MARU 188	(\$25k assessed)	---	---
	KAIYO MARU 11	(\$25k assessed)	---	---
	SHIZUOKA MARU	(\$25k assessed)	---	---

611.13: Improper handling or discard of prohibited species.

JAPAN:	RYUHO MARU 38		---	---
	TOMI MARU 58	(\$10k paid; 2 counts)	---	---
	TSUDA MARU	(\$10k assessed)	---	---
POLAND:	KALMAR	(\$137.5k paid)	---	---
TAIWAN:	GOLDEN DRAGON 1		---	---

611.93(C)(2)(II)(C): Illegal trawling in Winter Halibut Savings Area of BSA FMP.

S. KOREA:	NO. 71 DONG BANG	(\$10k assessed)	---	---
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18 USC 201(B): Bribing a public official.

JAPAN:	TENYO MARU 5	(\$20k paid)	---	---
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