EXECUTIVE DIRECTOR'S REPORT

I would like to start by introducing three people whom many of you know but who have not spent a great deal of time associated with the Council. Joe Greenley, Executive Director of the Pacific Fishery Management Council, is here for our Council meeting. Prior to this position, Joe was Director of the Department of Fish and Wildlife in Nevada; before that he was Director of the Idaho Department of Fish and Game; and earlier spent two years with ADF&G as Director of the Game Division.

Larry Six, attending this meeting as John Harville's alternate, has been with the Pacific Fishery Management Council for several years as their salmon coordinator in addition to performing a number of other duties. He will be going to the Pacific Marine Fisheries Commission as John's deputy in the next few weeks.

Doug Larson is coming to work with the Council staff on an IPA from the University of Alaska. His time and salary will be divided between the Council and the University of Alaska Sea Grant Program. He will work in the Council offices. Doug has been working in Alaska for several years on a variety of fisheries economic studies. He has been working with us for the past several months developing an economic profile for the Southeast Alaska salmon industry. We have been without an economist since Jim Richardson resigned early in the year. It will be good to have Doug aboard.

National Standards Review Group Report

The Council review group for the National Standards Guidelines was composed of Dr. Bevan, Clarence Pautzke, and Greg Baker. They met on August 10 to discuss the latest draft of those Guidelines and commented by letter to Bill Gordon on August 16. A copy of that letter is included in your books as B-1(a). They found the Guidelines to be substantially the same as the ones that we commented on last year. We have already had a great deal of input so the comments and recommendations from this go-round were limited.

Expanding the SSC

If the Council wishes to retain the expertise and help of Dr. Bevan, you might be able to induce him to join the Scientific and Statistical Committee, a role he has played in the past for this Council. The SSC, by charter, has 11 members. All of those seats are now filled. All the current incumbents' terms expire December 31.

I don't foresee any problem in changing the charter to allow 12 members on the SSC if the Council wishes to do so. Costs for SSC operation will increase slightly. Currently travel and expenses for the group average about $26,500 per year; we would need an additional $3,000 if another member is appointed. We can probably find that kind of money in the travel budget.

The current SSC roster is included as agenda item B-1(b).

Squid Observer Program

A U.S. industry observer has been placed aboard one of the ships belonging to the National Common Squid Drift Fishery Association of Japan. I assisted in coordinating this industry to industry project between Pacific Seafood Processors and the Japanese Association. The observer, Frank Cary, sailed from Japan on September 10 aboard the HOKUSEN MARU NO. 1. The ship will engage in the squid driftnet fishery in the North Pacific until approximately the end of December. Mr. Cary, however, will probably be returning to Japan on a different ship about mid-November. Funding for this program, which will cost approximately $12,500, has come from a number of sources, mostly industry, including Pacific Seafood Processors, Western Alaska Cooperative Marketing Association, Peninsula Marketing Association, Bering Sea Fishermen's Association, Alaska Fisheries Development Foundation, the Office of International Fisheries in the Governor's office, and the Council, which contributed $3,000.

Work Session With the Board of Fisheries

The Alaska Board of Fisheries will hold a work session in Juneau next week. They have invited the Council members to meet with them on the 30th to discuss ways and means of coordinating the activities of the two groups and streamlining our joint meeting process. It will be an excellent opportunity to talk to the Board on an informal basis and see if we can improve our communications. I'd like to have an indication from the Council members of those who will be able to attend.

Observer Program Report

Agenda item B-1(c) is the first page of the July report on observer activities from Russ Nelson. You will note that observer coverage was 44% in July, the best we have ever had. The halibut incidental catch is up in the Gulf and in the yellowfin sole joint venture. There is a great deal more information available to Council members from this report on request. They are excellent reports and Russ is to be commended on his program.

Law of the Sea

In the last Council mailing I sent you a critique by Dr. Bill Burke on the fishery provisions of the Law of the Sea and asked if you wanted to discuss and develop a position on the Law of the Sea Treaty. There are strongly held and differing opinions by very knowledgeable people on how the fishery provisions of LOS will affect the United States. Attachments B-1(d) and (e) are materials sent to us by Congressman Young, who disagrees with Dr. Burke's conclusions and has taken a strong stand in Congress on the potentially damaging effects of those fishery provisions to the U.S.

I bring this matter to your attention because several of the fishery management councils have discussed it. The Gulf Council has taken a position on it; the New England Council probably will. (Gulf is against it.) We are a policy-making group. The treaty itself may affect the North Pacific Council more than any of the other councils. In his letter of September 10, Congressman Young asked that the subject be discussed by the Council and states that he believes it is important for the Council to make its views known.

If the Council wishes to develop a formal recommendation, it should do so as an early order of business at the December meeting. There is a great deal of material available for study. A small task group to develop a recommendation and language for Council review at the December meeting might be the appropriate way to handle this matter if the Council wishes to get actively involved.

Guidance on Restricting Areas for Joint Venture Operations

Agenda item B-1(f) is a memo from Bill Gordon giving some guidance on restricting areas for joint venture operations. Essentially Gordon says he is willing to consider arguments for closing areas to joint venture operations for reasons other than conservation. As you will recall, Council discussion of this subject three years ago ended when it was determined that nothing would get through the review process if it did not have a well-documented conservation reason. The data for that kind of argument was not available for the small areas proposed at that time, nor would it be now. Gordon's memo opens the door, at least slightly, for another look at this problem.

Japan Economic Institute Report

Agenda item B-1(g) is a copy of an article from the Japan Economic Institute that probably represents the Japanese view of problems they encounter fishing in U.S. waters.

Senate Takes Strong Stand on Whaling Ban

Agenda item B-1(h) is a news release from the Senate Committee on Commerce, Science, and Transportation about the letter signed by 66 Senators urging the Administration to impose strong sanctions against any country which violates International Whaling Commission decisions.

Status of FMPs

Agenda item B-1(i) is a report on the status of fishery management plans.

Council Headquarters Move

We will be moving the Council headquarters to 605 West Fourth Avenue this weekend and should be in business there next week. That is the old courthouse building on Fourth Avenue across from the Fourth Avenue Theater. The Council's space is on the main floor on the Fourth Avenue side. We are saving money by making the move, the neighborhood is somewhat better, the office space is substantially the same, and we will have enough meeting space in the building to hold Council meetings if we wish. We are retaining our Post Office mailing address, Box 3136 DT, zip 99510, but mail can also be sent to the street address, zip 99501. We will have the same telephone numbers.

Fiscal Year Ends

The fiscal year ends on September 30. I'd like to remind you to submit your travel claims as soon as possible after this meeting so we can clear our books. If you wait too long we probably won't have any money to pay them.

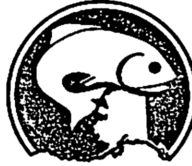
As a final note, I'd like to remind you that the Council, SSC, and AP have been invited to a seafood dinner Wednesday evening by the Alaska Longline Fishermen's Association. It will start with a no-host cocktail party at 5:30 p.m. at the Shee Atika with dinner at 6 p.m. It may be necessary to cut the festivities short in the event that we do not finish the public hearing on salmon tonight, and we could continue it tomorrow evening after dinner.

AGENDA B-1(a)
September 1982

North Pacific Fishery Management Council

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

Suite 32, 333 West 4th Avenue
Post Office Mall Building



Mailing Address: P.O. Box 3136DT
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Telephone: (907) 274-4563
FTS 271-4064

August 16, 1982

Mr. William G. Gordon
Assistant Administrator for Fisheries
National Marine Fisheries Service
3300 Whitehaven Street
Washington, D.C. 20235

Dear Bill:

The North Pacific Council has reviewed the proposed Guidelines for FMPs (Federal Register Notice of June 23, 1982). First let us compliment your staff for their fine job in responding to our earlier comments and those of other Councils. Following are our suggested changes to the proposed Guidelines:

Section 602.2(c): Delete "or national policy." The Councils working through the Act are policy setting and should not be totally constrained by past national policy.

Section 602.10(a)(3), 3rd sentence: Change to read, "The guidelines are intended as aids to decision-making; FMPs formulated according to the guidelines will have a better chance for Secretarial approval and implementation." The words "expeditious" and "review" should be removed; an expeditious review should be forthcoming in any case, whether or not the FMPs are formulated according to the guidelines.

Section 602.11(d)(3), 1st sentence: Change to read, "Declines in stock size may occur independent of fishing pressure, caused by a combination of factors, such as natural fluctuations in the stock itself, in the environment and man-made changes in essential habitat." The concern here was that stocks may naturally fluctuate without any noticeable change in the stock's environment, man-made or otherwise.

Section 602.11(d)(5), 2nd sentence: Rephrase to read, "Some of these effects have been called 'overfishing' -- with or without qualifiers such as growth, localized, and pulse." The word "economic" was deleted because it conflicts with Section 602.11(d)(1) which states that overfishing is a level of fishing mortality that jeopardizes the capacity of the stocks to maintain or recover to a level at which it can produce a maximum biological yield or economic value on a long-term basis.

Section 602.11(e)(4)(iv), 1st sentence: Change "must" to "should". An obligation to specify an OY that is convertible into an annual numerical estimate contradicts Section 602.11(e)(4)(i) which states that OY need not be expressed in terms of numbers or weight.

36C/0-1

Section 602.11(f)(1), 2nd sentence: Change to read, "OY is a target or goal; an FMP must contain conservation and management measures, and provisions for information collection, that are designed to achieve it on a continuing basis."

This is consistent with Section 602.11(f)(2) and allows flexibility to achieve OY in a multi-age fishery where final catch may be slightly above or below the target OY.

Section 602.14(b), 1st sentence: Change to read, "An FMP may not differentiate de facto or de jure among U.S. citizens, nationals, resident aliens, or corporations on the basis of their State of residence." This lends a fuller legal meaning to the guideline.

Section 602.14(b)(1): This example is negative and thus confusing because the reader expects a permissable case following the lead-in from the previous paragraph. NMFS should provide a permissable example.

Section 602.14(c)(3), 1st sentence: Insert "and management" after ". . . to promote conservation." Allocations may be made for more than just conservation reasons.

Section 602.15(c), 1st two sentences: Change to read: "A 'system for limiting access,' which is an optional measure under Section 303(b) of the Act, is a type of allocation of fishing privileges that may be used to promote economic efficiency and/or conservation. For example, limited access may be used to distribute fishing effort over time and space, and to combat over-fishing, overcrowding, or overcapitalization in a fishery to achieve OY."

This more fully clarifies the purposes of limited access.

Section 602.15(c)(1): This definition of limited access should be clarified by adding a caveat that limited entry has not necessarily resulted in the benefits listed. Guideline users should be cautioned that limited entry systems sometimes miss these goals and therefore have to be very carefully conceived.

Section 602.16(d)(1): This paragraph should be rewritten as follows:

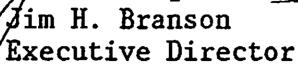
"(1) FMPs should include criteria for the selection of management measures, directions for their application, and mechanisms such as field orders for timely adjustment of management measures comprising the regime. For example, an FMP could include criteria that would allow the Secretary to open and close seasons, close fishing grounds or make other adjustments in management measures by field order."

The ability to make timely in-season changes is needed for responsive management. Field orders are the appropriate vehicle for these types of changes and

should be emphasized as recommended in the Council's original comments on this section.

Thank you for this opportunity to comment.

Sincerely,



Jim H. Branson
Executive Director

cc: Margaret Frailey
Mary Thompson
Phil Chitwood
Daphne White
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NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

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AGENDA B-1(c)
SEPTEMBER 1982

Northwest and Alaska Fisheries Center
Resource Ecology and Fisheries Management

August 30, 1982

ACTION ROUTE TO
Exec. Dir.
Deputy Dir.
Admin. Off.
SEP 1982

MEMORANDUM

TO: F/NWC2 - Rich Marasco

FROM: F/NWC2 - Russ Nelson

SUBJECT: Report of Observer Activities Through July 1982

The attached tables summarize observer coverage (Tables 1-4) and the estimated catches of prohibited species (Tables 5-10) in the foreign and joint-venture fisheries in the Alaska and northwest regions through July 1982. Tables summarizing the estimated incidental catches of prohibited species in 1981 have also been included for comparison with the 1982 fishery (Tables 11-16).

Through July 1982 observer coverage was 22% in the Bering Sea, 24% in the Gulf of Alaska, and 78% in the Washington-Oregon-California (WOC) trawl fishery. Overall observer coverage was 26%.

During the month of July, the goal of 35-40% overall coverage on the west coast was achieved for the first time. Observer coverage during the month was 41% in the Bering Sea, 40% in the Gulf of Alaska, and 74% in the WOC region. Overall coverage was 44%. It is anticipated that coverage will remain at these levels throughout the remainder of the year.

In general, in the Bering Sea the trend of decreased levels of incidental catch of prohibited species continued during July. The one major exception was the incidental catch of halibut by joint-venture fisheries. The incidental catch during July of 71,743 fish was 3.6 times greater than that taken in July 1981. The incidental catch during both years was taken by the yellowfin sole joint-venture.

The incidental catches of salmon, King crab, and Tanner crab in the Gulf of Alaska during July were lower than that taken during July 1981, whereas the incidental catch of halibut was about 23% greater. For the year the total incidental catches of all prohibited species except salmon remained at a level higher than that observed in 1981 in the Gulf.

Within the WOC trawl fishery the incidental catch of salmon in the joint-venture fishery was slightly greater than that of July 1981. Even without a major foreign fishery, the incidental catch of salmon for the year remains higher than that taken in the WOC fishery in 1981.

Attachments

DON YOUNG
CONGRESSMAN FOR ALL ALASKA

COMMITTEES:
INTERIOR AND INSULAR AFFAIRS
MERCHANT MARINE AND FISHERIES

Congress of the United States
House of Representatives
Washington, D.C. 20515

WASHINGTON OFFICE:
2331 RAYBURN BUILDING
TELEPHONE 202/225-5765

DISTRICT OFFICES
FEDERAL BUILDING AND
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BOX 10, 101 12TH AVENUE
FAIRBANKS, ALASKA 99701
TELEPHONE 907/456-6949

ROUTE TO: Exec. Dir. / Deputy Dir. / Sec. Typist

September 10, 1982

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

Dear Clem:

I recently received a copy of the August, 1982, Council Mailing which discusses the possibility of Council consideration of the fisheries provisions of the Law of the Sea treaty. I am pleased to see the Council taking a more active role in this area and urge that you include discussion of the treaty at the next Council meeting.

As you know, I have strongly opposed U.S. participation in the treaty for a number of reasons, the most important being the adverse effects that U.S. participation would have on the Alaskan fishing industry. In order to supplement the material that was included in the Mailing, I am enclosing a copy of an analysis of the fisheries provisions that I directed my staff to prepare. You will note that this analysis addresses some of the comments that Dr. Burke makes in his paper, which is based on a preliminary study done by my office. I trust that you will include this letter and the analysis in the Council record on this issue.

Again, it is good to see the Council taking an interest in this issue. The Gulf of Mexico Council has already gone on record in opposition to the treaty and other Councils are now considering doing the same. Because the treaty will be most damaging to fishermen and processors operating in the waters off Alaska, I think it important that the North Pacific Council make its views known.

If I can provide any further information, please let me know.

Sincerely,

DON YOUNG
Congressman for all Alaska

Encl.

cc: Council Members

DY:rhm

rently satisfies more than half of our domestic needs.

Without a strong and stable domestic sugar industry, there will be nothing to prevent the domestic price from following the "roller coaster" prices of the world market. If the U.S. sugar industry, the fifth largest sugar industry in the world today, fades from the scene, with it will fade our ability to maintain stable sugar prices once we become dependent upon the chaotic world market. With this in mind, the Reagan Administration announced sugar import quotas to protect the price objective established for sugar in the Farm Bill when, in the now familiar price cycle, the world price dropped below 9 cents per pound. Quotas were the only tool available once the world price dropped to such a drastically low level.

The attached analysis by the First Hawaiian Bank will provide you with further insight into the situation I have described. I think you will find it helpful in understanding of the economic realities of world sugar production.

Sincerely,

DANIEL K. AKAKA,
Member of Congress.

[From Economic Indicators, May 1982]

SUGAR IMPORT QUOTAS: THE ONLY ANSWER

Ever since the Congress failed to renew the 40-year-old Sugar Act in 1974, this bank has argued insistently that the only salvation for the U.S. domestic sugar industry would be the reimposition of country-by-country sugar import quotas. This would also protect American consumers from high sugar prices. The Reagan Administration has just reinstituted these quotas, but it is a temporary measure intended to protect the U.S. Treasury from making massive sugar price support payments to domestic growers. These quotas, which will be in effect over the next few months, will stabilize the market, and hopefully show Congress that this is the only solution to the sugar problem—for producers, processors, consumers, and sugar workers. Let us review the problem briefly.

The U.S. produces about half the sugar it consumes. The other half, imported from foreign producers, was controlled from 1934 to 1974 by country-by-country quotas so that the total supply of sugar in the American market would result in a price that would be fair to both domestic consumers and producers. Since 1974, the nation has used various means, all ineffective, to maintain a semblance of a domestic industry. There were direct subsidies by Presidential order in 1977, the de la Garza amendment creating a price support-loan program in 1977-78, various import fees and duties, and finally the inclusion of sugar in the Farm Act of 1981. When the sugar bill failed in Congress in 1979, Congress ratified the International Sugar Agreement, hoping the ISA would control world supply by withholding sugar during low prices and adding to supply when prices rose above 21 cents. However, the European Common Market, among some other exporting nations, declined to be a party to the agreement, and the current world surplus is in large part due to Common Market overproduction.

Sugar available in the world market to fill our national requirements is far more than we need in years of depressed prices, and far less during periods of inflated prices. The so-called world market is normally plagued with an oversupply situation and prices are far below the cost of production, as at present with sugar selling below 9 cents a pound. Less frequently shortages develop and prices skyrocket to astronomical heights. The current oversupply situation has been marketed by "massive imports," according to President Reagan. Agriculture Secretary John Block described it succinctly when he said, "The U.S. has become a magnet for sugar produced in other countries, even to the diversion of shipments already at sea."

Why is the U.S. a magnet for distressed foreign sugar? Simply because sugar is the most tightly controlled commodity in the world, with all the major importing countries except the U.S. buffering themselves against the vagaries of the world sugar market by having long-term agreements with exporting nations to provide them with a normal supply at a normal price—with no other sugar able to enter the country. These long-term agreements funnel 82 percent of world sugar production into a definite market at a definite price even before the sugar is grown.

The remaining 18 percent of production constitutes the world market. This is the world's worst boom-and-bust market for any commodity. The New York spot price, which reflects the world price went from 9.3 cents a pound in 1973 to 64.5 cents in 1974 to 14.2 cents in 1975 to 44.2 cents in 1980. Since the price support program passed Congress last year, the spot price has ranged from 16.8 cents to around 19 cents, but the world price was less than 9 cents a pound in the first week of May. The U.S. is the only major country in the world that has chosen to ride this roller coaster, probably because of our dedication to the concept of free trade. But the boom-and-bust world sugar market is not one in which free trade could ever work to the benefit of the trading countries.

With this volatile world sugar market more often depressed than inflated, why hasn't the American consumer benefited? With more cheap sugar years than expensive sugar years, why isn't the consumer the winner? The reason is that most of the sugar consumed in America is consumed indirectly—in the candies, ice creams, soft drinks, and baked goods that we buy. And, as an article in the Wall Street Journal pointed out last December 23, when very high sugar prices push the price of these sweets up, the price stays up after the price of sugar falls. The result is that the American consumer lives with high sweetener prices even when sugar become cheap again. For the two-thirds of our sugar that we consume indirectly we ride the "world" sugar price cycle when it is rising, but we don't ride it when it is falling.

President Reagan's decision to impose country-by-country import quotas at this time is seen as an emergency action to protect the treasury and not necessarily to protect American sugar producers from going out of business nor to protect consumers from periodic astronomical sugar prices that stay high permanently. But anyone who knows the working of the so-called world sugar market knows that this "emergency" is permanent, although it changes its form as world sugar supplies shift from surplus to shortage and back to surplus in a never-ending cycle. It is time the Administration and the Congress realize what the true situation is after eight years of turmoil following the death of the Sugar Act. Reenactment of sugar import quotas will not affect President Reagan's Caribbean Initiative adversely. The nations targeted for special treatment under this program could be give a larger quota and a preferential tariff. And these nations would have a guaranteed market with prices slightly higher than the world price as an incentive to fulfill their quotas. During the 40 years when the U.S. assigned marketing quotas to domestic and foreign producers, the nation encountered no emergencies. American consumers, producers, and sugar workers all benefited, and the federal government didn't have to spend a penny from the general fund. Instead, more than half a billion dollars was added to the U.S. Treasury during the life of the Sugar Act as a result of sugar processing taxes levied in excess of the costs of administering the act.●

PROBLEMS WITH LAW OF THE SEA: A FURTHER ANALYSIS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. YOUNG. Mr. Speaker, on April 21, 1982, I pointed out to the Members of this body some of the problems that the U.S. fishing industry might face if the Law of the Sea Treaty were signed by the United States. The potential effect of the treaty on the fishing industry has not received a great deal of attention, partially because those who reviewed the fisheries sections of the treaty for the U.S. Government prior to the latest negotiating sessions refused to consult with the fishing industry.

Since my April statement, the Third United Nations Conference on the Law of the Sea agreed to adopt a draft treaty by a vote of 130 to 4, with 17 nations abstaining. The United States, which called for the rollcall vote, was one of the four nations voting against adoption.

While I applaud the President's decision to vote against adoption, I am concerned about continued attempts by treaty supporters to press for eventual U.S. acceptance of the treaty. My colleagues should note that the opinions of some of these supporters, many of whom possess impeccable academic credentials, may be somewhat influenced by the professional relationships that these individuals have maintained with groups in countries that voted in favor of adoption of the treaty. The treaty will be open for signature in December. If the United States were to reverse its position, this could cause serious problems for our Nation.

Because the treaty is now being reviewed by the U.S. Government, I am presenting a further analysis of the potential impacts of the treaty on the U.S. fishing industry so that my colleagues can consider the serious implications of U.S. approval of the treaty.

LAW OF THE SEA AND U.S. FISHERIES MANAGEMENT

It is difficult to analyze the treaty because of the lack of a clear legislative history and the use of terms which are not defined within the body of the treaty. In many cases, arguments could be made which could result in opposing or conflicting conclusions. Therefore, any analysis of

NOTE.—Certain statements in the previous analysis require technical clarification so that there is no misunderstanding. The exclusive economic zone

the treaty must consider U.S. and foreign governments' positions, past U.S. fisheries policy, and the existing political climate, both foreign and domestic.

Fisheries management in the FCZ is based on the policies, purposes, and statutory requirements of the MFCMA. The law recognizes the need for conservation and management of fish stocks; provides a clear distinction between domestic and foreign fishing; defines management tools to be used; and establishes a system to manage both foreign and domestic fishing.

Recent U.S. fisheries policy has been to promote the development of the U.S. fishing industry and to manage fisheries within the FCZ in ways which will achieve this goal. To emphasize the goal of full development of the U.S. fishing industry, the Congress enacted the American Fisheries Promotion Act which, among other things, expanded the list of criteria which the Secretary of State must use when granting fishing privileges to foreign nations which seek to fish in the U.S. FCZ. These criteria reflect the goal of full development of the U.S. fishing industry by conditioning allocations on such things as purchase of processed fish products, the establishment of joint ventures with U.S. fishermen, transfer of fishing technology, and cooperation in research. These criteria are also included in the new Governing International Fishery Agreements (GIFA's) which are being negotiated by the U.S. Government.

The State Department has also recently changed the way in which allocations are released to foreign fishermen. Before 1982, foreign nations received their allocations at the beginning of each year. The U.S. Government has interpreted both the MFCMA and the existing GIFA's to preclude taking back fishing privileges once we have granted these privileges. Thus, if country X demonstrated a lack of cooperation with U.S. fishermen by, for example, not honoring its promises to engage in joint ventures, the U.S. Government had little leverage with which to induce cooperation that year. In 1982, the State Department adopted a new allocation policy which called for the release of allocations three times each year. This provides the U.S. Government with necessary additional leverage with which to develop U.S. fisheries.

However, were the United States to accept the treaty, we would be required to accept additional factors to consider before we granted allocations. Among other things, we would be required to take into account the need to minimize economic dislocation in States whose nationals have habitually fished in the zone. While this is only one factor to be considered and need not be the factor which determines who gets what fish, Japan has already used the economic dislocation argument to protest both the new allocation policy and an allocation reduction the United States made in conformance with the MFCMA allocation criteria:

> The Japan Fisheries Agency on March 23, 1982, stated that the three-step allocation system will be damaging to operational efficiency of the Japanese fishing fleet;
>
> In a letter to Secretary of State Alexander Haig on April 30, 1982, the Honorable Yoshio Okawara, Ambassador of Japan, said: "Japan deeply regrets such a drastic reduction of catch quota because of its tremendous adverse impact upon the Japanese fishing industry . . . the delay of the allocation already resulted in serious dislocation among Japanese fleets . . .";
>
> The Japan Fisheries Association, a Japanese fishing industry group, used the economic dislocation argument in its protest about the second 1982 allocation, stressing that the allocation was smaller than Japan expected.

Not surprisingly, Japan is pressing hard for us to include the economic dislocation test in its renegotiated GIFA. The test is already in the existing GIFA, although not in U.S. law—a damaging incongruity that should not be perpetuated or repeated elsewhere.

Under the MFCMA, a nation dissatisfied with the allocation it receives may either keep fishing until its allocation runs out or stop fishing immediately in the FCZ. In either case, it is still possible for that nation to receive a larger allocation in the future if it complies with the allocation criteria U.S. law outlines. Under the treaty, a State which were to allege that the United States had arbitrarily—a word which is not defined in the proposed treaty—refused to allocate the whole or any part of any declared surplus—that is, those fish which U.S. fishermen will not catch—could take the United States to conciliation. Conciliation by its nature is nonbinding and in no case can the conciliation commission substitute its discretion for that of the coastal State. However, a State's refusal to enter into conciliation shall not constitute a bar to conciliation proceedings. This could allow a State—for example, Japan—which has said it considers that the United States is ignoring alleged economic dislocation of the Japanese fishing fleet by reducing Japan's allocation—a result of implementing the policy to benefit the U.S. fishing industry—to call for conciliation in every instance where Japan did not get all the fish which it thought it deserved.

Under the treaty, then, the United States might face sufficient challenges to our new development-oriented fisheries policy to cause the executive branch to reconsider its aggressive implementation of this policy to avoid spending all of its time before a conciliation commission. Worse still, as a matter of "good faith" or out of fear of damaged relations, the United States might act to accommodate foreign interests, pending conclusion of the proceedings. Even if the United States continued to take a pro-development position, a dissatisfied State could decide to take other actions to influence a change in policy. Among these might be interfering with the importation of U.S. fish products into that State, or withdrawing from joint venture arrangements with U.S. fishermen. Many States are now using similar economic measures to support foreign policy objectives.

The treaty also requires a coastal State to seek to minimize economic dislocation in anadromous species fisheries. Under the MFCMA, the United States asserts management authority over U.S.-origin anadromous fish throughout their ranges, except where fish are found within the 200-mile zones of other nations. Although under the treaty the United States could establish harvest levels for anadromous fish, there is no mechanism by which the United States might enforce those harvest levels outside of our EEZ. Further, we would probably have to accept other States' fishing for U.S.-origin anadromous species outside of our EEZ where to prohibit it could result in economic dislocation for a State other than the United States. This freedom for other States to fish for anadromous species on the high seas is only ameliorated somewhat by the requirement that States consult and enter into cooperative agreements for the renewal of stocks (including the expenditure of funds by States other than the State of origin for such purpose) and the terms and conditions of fishing. Enforcement of regulations would be by agreement between the State of origin and other States concerned.

Again, under the treaty, we would be forced to assess the relative weight of the need to minimize dislocation for other fishing States as a factor which we would have to consider in managing fisheries. If the United States were to set a harvest level equal to the domestic catch of salmon, Japan, for example, which now conducts a high seas gillnet fishery for salmon, could argue that the United States was ignoring the economic dislocation that could result in the Japanese salmon fleet. If this were to lead to no agreement between the United States and Japan on the level of high seas fishing, then neither would any enforcement mechanism exist. If the United States were to use allocations for other species within the EEZ as a lever to induce cooperation (as the United States did in 1978, by way of threat, to force a decrease in the existing high seas fishery), then the United States

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(EEZ) which would be established by the treaty "corresponds" to the Fishery Conservation Zone (FCZ) established by the Magnuson Fishery Conservation and Management Act (MFCMA) in the sense that fishery management authority within 200 nautical miles of the base line is provided to each adjacent coastal State under the treaty and to the United States under the MFCMA. The language in article 59 of the treaty has a bearing on dispute settlement involving fisheries issues to the extent that unanticipated ocean uses may impact them. In addition, a coastal State's refusal to grant another State access to surplus fish does lead to compulsory conciliation, although not automatically; the conciliation process is available if another State were to challenge the coastal State's refusal.

could use the conciliation process. Under the treaty, the simplest course of action of the United States might be to continue to allow a high seas salmon fishery.

We should also be aware that even if the United States were only to sign, not ratify, the treaty, we could still find ourselves with problems. For example, section 201(e)(1)(H) of the MFCMA allows the Secretary of State to consider other matters as he deems appropriate when he makes allocations. He could choose to consider the need to minimize economic dislocation as such a matter.

One cannot say for certain that the Secretary would use this criterion. However, we must be aware of the possibility in view of past U.S. Government actions:

In 1980, Japan received an extra allocation of 200,000 metric tons of fish when the United States was seeking support for its boycott of the Moscow Olympic Games. That same year, the U.S. Coast Guard seized 11 Japanese fishing vessels for violating the MFCMA, a noncompliance record that no other nation has duplicated.

In 1977 and 1978, Mexico received allocations of bottomfish in the FCZ off Washington, Oregon, California, and Alaska, despite its lack of a historical fishing record for those species. Mexican vessels did not catch these quotas; Korean vessels did under joint venture arrangements, thus causing market access problems for the United States.

Since 1980, we have denied the Soviet Union an allocation, despite considerable Soviet cooperation with U.S. fishermen.

The so-called fish and chips policy (trading fishing privileges for cooperation with the U.S. fishing industry) has helped to minimize the use of allocations for nonfisheries-related matters; however, the potential for nonfisheries use remains, and supporters of the fishing industry in the Congress and the executive branch have often had to fight to make existing domestic fisheries policy work in spite of challenges from elements of the U.S. State Department.

Thus, the treaty presents potential problems for the U.S. fishing industry by expressly requiring consideration of factors sympathetic to foreign fishermen in the granting of access to the fishery resources off the United States and by providing a mechanism which dissatisfied nations could use to challenge U.S. fishery management decisions. The U.S. initial opposition to adopting the treaty supports the U.S. fishing industry. A change in our position could present serious difficulties for U.S. fishermen and processors who are seeking full development of the U.S. fishing industry.●

A TRIBUTE TO BRYAN "WHITEY" LITTLEFIELD—LONG BEACH LEADER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. ANDERSON. Mr. Speaker, this Friday, June 11, 1982, the many friends of Bryan W. "Whitey" Littlefield will gather aboard the RMS *Queen Mary* to honor him for his many contributions in making the city of Long Beach, Calif., a better place to live and work. Specifically, Whitey will be the recepient of the Long Beach Lung Association's first-ever "Humanitarian Award."

Born on Christmas Day, 1932, at Salt Lake City, Utah, Whitey became a resident of southern California 5 years later. After attending area schools, Whitey started in the wholesale beer business in 1954 as a beer truck driver and soon thereafter, began working with most of the major distributors in the Los Angeles area. Owner of a liquor store from 1961 to 1963, Whitey went back into the beer business and in 1967 became general manager of Somerset Distributors.

An eager readiness to contribute and a sincere commitment to community betterment have been the traits of Whitey's involvement with many civic organizations. His present and past involvements include: Vice president, Long Beach Convention and News Bureau; board of trustee's, Long Beach Community Hospital; chairman, Business and Industry—United Way, 1978 campaign; founding chairman, Long Beach Police Widows Trust Fund; honorary Long Beach P.O.A. founding chairman; vice president Cedar House Child Abuse Center; member, Long Beach City College Board, Delta Phi Kappa and distinguished friend of the college, life member; lifetime member, Long Beach Junior Chamber of Commerce; past chairman of the board of directors, Boys Club of Long Beach; past president 49ers Athletic Foundation; honorary member, Signal Hill Police Department; former member of the board of directors, Long Beach Symphony; honorary Boy's Club distinguished alumni of Hollywood; member of the board of directors of the Jewish Institute for National Security Affairs, Washington, D.C.; member, Fine Arts Affiliates, California State University at Long Beach; past director, California Beer Wholesalers Association; life member, No. 7 Long Beach Police Officers Honorary Committee; president's forum, Long Beach City College; founding chairman, Long Beach Grand Prix Charities Foundation; and, 1982 Golden Man and Boy Award, Long Beach Boys Club.

Mr. Speaker, few citizens can claim to have done as much for their community as Whitey has done for Long Beach. In all his endeavors, he has proven himself to be an able and generous leader. To the people of Long Beach and the surrounding harbor area communities, the benefits of this man's dedication are readily apparent.

My wife, Lee, joins me in congratulating Whitey upon receiving this well-deserved award. His dedication, leadership, and service to Long Beach and the entire South Bay community is greatly appreciated by us all. We wish, Whitey, his son, Bryan, Jr., and his three daughers, Linda, Lorraine, and Shari, all the best, and hope that the years ahead will continue to be not only successful ones, but happy years as well.●

HUMAN RIGHTS: AN AMERICAN WEAPON

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1982

● Mr. OBEY. Mr. Speaker, there has been intense debate in this country over the proper role human rights considerations should play in American foreign policy. I am inserting in the RECORD at this time an article by Rev. J. Bryan Hehir who is known to many of us. Father Hehir, a Roman Catholic priest is associate secretary of the U.S. Catholic Conference's Office of International Justice and Peace. I think this article superbly places in perspective the role that human rights considerations can and must play in the foreign policy of a great democratic nation if it is to lay claim to leadership in the broadest sense of that word.

The article follows:

HUMAN RIGHTS AND THE NATIONAL INTEREST

(By J. Bryan Hehir)

(The philosophical discussions about the nature and origins of human rights are learned, complex and fascinating; it can certainly be argued that before a statesman decides to make a national goal of their promotion he should have a firm moral theory about their essence and their foundations. But much of the literature has a tendency to overcomplicate what is already a formidably difficult subject.)—STANLEY HOFFMANN, Duties Beyond Borders.

Heeding this cautionary note from a perceptive theorist who has explored the philosophical dimensions of rights policy, my limited purpose here is to examine three concepts from Roman Catholic theory that structure the Church's participation in the human rights debate. These concepts are: (1) the foundation of human rights; (2) the range of human rights claims; and (3) the conception of the state in international relations today. The argument is drawn from two contemporary Catholic statements, Pope John XXIII's "Peace on Earth" (1963) and Pope John Paul II's U.N. address of 1979.

The foundation of human rights in the Catholic tradition is the dignity of the human person. John XXIII opened the first chapter of "Pacem in Terris" with a statement summarizing the traditional case: "Any human society, if it is to be well-ordered and productive, must lay down as a

DON YOUNG
CONGRESSMAN FOR ALL ALASKA

COMMITTEES:
INTERIOR AND INSULAR AFFAIRS
MERCHANT MARINE AND FISHERIES

Congress of the United States
House of Representatives
Washington, D.C. 20515

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August 24, 1982

Mr. Jim Branson
Executive Director
North Pacific Fishery Mgt. Council
P.O. Box 3136 DT
Anchorage, AK 99510

Dear Jim:

I thought you might be interested in the enclosed letter to the Executive Director of the New England FMC regarding the Law of the Sea Treaty.

While I recognize that the North Pacific Council has not addressed this issue, I think it important that the Council members be aware of the threat that the fisheries articles in the treaty pose for both existing Alaskan fisheries and for future fisheries development. The Gulf Council, which did examine the treaty, has gone on record in opposition. It is my understanding that the New England Council will look at the treaty again during its next meeting.

If I can provide any further information or assistance on this issue, please let me know.

Sincerely,

Don

DON YOUNG
Congressman for all Alaska

Encl.

DY:rhm

DON YOUNG
CONGRESSMAN FOR ALL ALASKA

COMMITTEES:
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August 24, 1982

Mr. Douglas Marshall
Executive Director
New England Fishery Management Council
5 Broadway (Route 1)
Suntaug Office Park
Saugus, MA 01906

Dear Mr. Marshall:

I recently received a copy of the July, 1982, issue of Council Memorandum, prepared by the National Marine Fisheries Service. Under the "Washington Reports" section is an article which I understand was written by Mr. William Sullivan and which concerns recent Congressional hearings on the Law of the Sea Treaty.

Because the Council has recently discussed this issue, I think it important that the Council be aware of certain inaccuracies in the article.

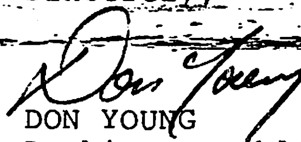
The first part of the article discusses the first day of hearings before the House Merchant Marine and Fisheries Committee. The article says in part: "Fisheries was not discussed specifically although it was mentioned several times in passing..." On the contrary, the majority of my time at the hearing was spent in a specific discussion of fisheries issues with Deputy Assistant Secretary of State Theodore Kronmiller. I am enclosing a copy of my questions and Ambassador Kronmiller's answers. These may prove useful to the Council in its further deliberations on this issue.

The second part of the article discusses the second day of hearings before the Committee. Ignoring the author's characterization of the witnesses' testimony as a debate, I cannot find any remarks in the transcript that indicate Congressman Forsythe's support for the fisheries provisions of the treaty. Further, while the author of the article took care to mention treaty supporters who testified at the first hearing, he somehow neglected to mention the strong opposition that was expressed by a number of witnesses at the second hearing.

I am pleased that the Council has taken the time to discuss the Law of the Sea treaty, as I feel that this is one of the most important issues affecting the U.S. fishing industry. I hope that the clarifications contained in this letter will be of some use to your discussions.

If I can provide any further information or assistance, please let me know.

Sincerely,



DON YOUNG
Ranking Republican
House Subcommittee on
Coast Guard & Navigation

Encl.

cc: Regional Councils

DY:rhm

THE FOLLOWING DISCUSSION BETWEEN CONGRESSMAN DON YOUNG (ALASKA) AND DEPUTY ASSISTANT SECRETARY OF STATE THEODORE KRONMILLER TOOK PLACE DURING HEARINGS HELD BY THE HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES ON JULY 20, 1982, IN WASHINGTON, D.C. THE QUESTIONS WERE SUPPLIED BY CONGRESSMAN YOUNG'S OFFICE; MR. KRONMILLER'S ANSWERS WERE COMPILED FROM NOTES TAKEN AT THE HEARING AND CHECKED WITH MR. KRONMILLER FOR ACCURACY.

MR. YOUNG: Although the major objections to the treaty that have been expressed by the administration deal with the seabed mining provisions, many members of the U.S. fishing industry feel that the fisheries provisions could be harmful to U.S. fisheries development. Is the Department aware of these objections by the U.S. fishing industry?

MR. KRONMILLER: Yes, and it has taken them into account.

MR. YOUNG: One of the fishing industry objections deals with the need to consider "economic dislocation" of foreign fishermen when fishing privileges are allocated. Treaty supporters claim that this provision, found in Article 62, will have no effect on the U.S. fishing industry. Do you know of any cases where foreign interests have used the "economic dislocation" argument against U.S. fisheries interests?

MR. KRONMILLER: Yes. In negotiations involving Governing International Fishery Agreements, several foreign nations have cited the economic dislocation test in the treaty to support the principle that the U.S. cannot reasonably, in conforming with emerging international law reflected in the treaty, carry out its own laws in its own 200 mile zone.

MR. YOUNG: If foreign nations are already using the "economic dislocation" argument, even though the treaty is not yet in effect, is it not likely that they would use it more often after the treaty goes into effect?

MR. KRONMILLER: Yes.

MR. YOUNG: Am I correct in saying that certain fisheries [illegible] disagreements between coastal nations and nations desiring to fish in the 200 mile zone would be subject to compulsory dispute settlement?

MR. KRONMILLER: Yes.

MR. YOUNG: As I recall, this Committee recently reported legislation designed to streamline the fisheries management process. If U.S. fisheries management decisions are subject to dispute settlement, would not the management process be further confused?

MR. KRONMILLER: I think that would be very likely.

MR. YOUNG: Article 116 of the treaty gives nations the right to fish on the high seas. Article 66 requires consideration of economic dislocation when a coastal nation seeks to have all salmon fishing take place inside of 200 miles. These two Articles in combination appear to grant continued rights to the Japanese high seas salmon fishery that takes place off Alaska. If the U.S. were to sign the treaty, do you see any way that we could terminate the high seas salmon fishery if Japan did not want it stopped?

MR. KRONMILLER: I think it would be exceedingly difficult.

MR. YOUNG: Under existing U.S. law, the U.S. claims jurisdiction over salmon throughout their ranges, except within the 200 mile zones of other countries. The U.S. has in one major case enforced this claim. As I read the treaty, no enforcement would be allowed outside of 200 miles unless other salmon fishing nations agreed to it. Would you care to comment on this problem?

MR. KRONMILLER: You are absolutely correct in your interpretation.

MR. YOUNG: In a statement earlier this month, Ambassador Malone mentioned that a national oceans policy was being developed. What role would fisheries play in such a ploicy?

MR. KRONMILLER: Fisheries are important to the national economy and with respect to contributing protein to the world. It is clear that fisheries will play an important part in future ocean policy.

AGENDA B-1(f)
SEPTEMBER 1982

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

JUL 13 1982

F/CM7:AJB

RECEIVED
on
JUL 19 1982
by GCAK

TO: F/NWR - H. A. Larkins
F/SWR - Alan Ford

FROM: F - William G. Gordon

SUBJECT: Guidance on Restricting Areas for Joint Venture Operations

You have both asked for some guidance on closing certain areas to joint venture operators to protect domestic shore-side processors or prevent gear conflicts. I have indicated that I would support such closures, if needed, and this memorandum is to clarify the circumstances under which I would do so.

Section 204 of the Magnuson Act provides the Secretary the authority to disapprove a foreign fishing application for any appropriate reason, but limits conditions and restrictions on a foreign permit to, among other things, the requirements of the applicable fishery management plan or preliminary fishery management plan, and the regulations to implement such plans. Additionally, it allows the Secretary to impose any condition and restriction necessary and appropriate to conservation and management. Section 303 provides similar guidance regarding the application of conservation and management measures.

I reject an interpretation that such conditions may be imposed only for conservation reasons. I believe the broad interpretation of conservation and management includes economic considerations. Protecting sources of supply for domestic processors and avoiding gear conflicts between competing fishermen are possible motivations for area restrictions on joint venture operations. However, any decision to impose area restrictions based on such considerations must be supported by solid evidence which has been fully and publicly reviewed. I would insist that proposals intended to protect shoreside processors or prevent gear conflicts receive such review.

For this reason, I believe that such restrictions to joint venture operations should not be applied unless they are incorporated into plans or amendments to plans. They would set out the conditions for applying, altering, or withdrawing restrictions, and a field order mechanism for implementing or altering the restrictions, or removing any restrictions already applied but found no longer to be necessary. Each plan would

10TH ANNIVERSARY 1970-1980
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identify the information and the data needed to support the application of such restrictions and indicate that the data would be available for review. By setting out the process in a plan, we would be assured that the national standards are met. Additionally, other tests related to rulemaking (e.g., Regulatory Flexibility Act, Executive Order 12291, and the Administrative Procedure Act) would apply to regulations implementing the plans.

If a convincing case is made in the FMP that these conditions and restrictions are in the best interest of the United States, and meet the requirements outlined above, I will approve the plan or amendment. Whenever the conditions set out in this plan are met and the information supports their application, restrictions would be applied through the field order mechanism.

cc: F, Fx31, F/CM, F/CM7, F/NER, F/SER, F/AKR, GCF

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AGENDA B-1(g)
SEPTEMBER 1982

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest and Alaska Fisheries Center
Office of Center Director
2725 Montlake Boulevard East
Seattle, Washington 98112

ACTION AUG 27 1982

August 24, 1982 F/NWC

CN

TO: F - William Gordon

FROM: F/NWC - William Aron WA

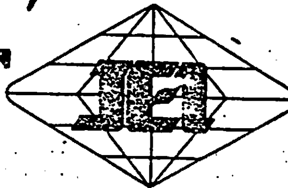
Subj: JEI Report No. 28A dated 7-23-82

The attached material may provide some useful background information. My source for this report, who is knowledgeable about Japan indicates that the JEI consists of primarily U. S. staff, but that they have very strong ties to Japan. In most respects, therefore, this report could be said to reflect the Japanese view.

Attach.

cc: Tillion
Branson
Regional Directors
Greenley
Blondin
Fox
McDevitt

JEI REPORT



JAPAN ECONOMIC INSTITUTE

AUG 23 198

No. 28A July 23, 1982

PROBLEMS PLAGUE FOREIGN FISHING IN U.S. WATERS

SUMMARY

Negotiations are currently underway to revise Japan's "Governing International Fisheries Agreement" (GIFA) with the United States, due to expire this December. Washington's chief objective in these talks is to bring the new GIFA more in harmony with the Fisheries Conservation and Management Act (FCMA) which, in 1976, extended U.S. fisheries jurisdiction to 200 miles and established a number of restrictions on foreign access to abundant U.S. fishing grounds. Although not explicitly stated, the FCMA has as its goal the total explusion of foreign fishing from this 200-mile Fishery Conservation Zone (FCZ).

While most observers agree that foreign fishing in the FCZ will never again be what it was prior to 1976, the question remains whether total elimination is foreseeable — or even desirable. Many believe that it is in our interest to maintain some foreign fishing given the year-to-year fluctuations in stocks and the overwhelming economic costs that the already depressed industry would have to incur to augment and maintain fleets that could catch and process all of the fish within this jurisdiction. But resentment of what some regard as Japan's exploitation of U.S. fishing resources is such that continued reticence either with respect to industry-to-industry cooperation, improvement of their poor enforcement record, or consent to the new GIFA, could easily precipitate a more restrictive scenario, culminating in a phase-out of Japanese fishing from U.S. waters.

Overview of the Statutes

Foreign fishing in U.S. waters is hardly a recent phenomenon. In the Gulf of Alaska and Bering Sea, in particular, American fishermen's preference for the more profitable and popular salmon, halibut, crab and shrimp species have made the more abundant, but less desirable stocks of pollock, hake, and other groundfish — what some refer to as the trash fish — ripe for Japanese, Soviet and Korean harvesting. Although the United States has always had exclusive rights in its three-mile territorial waters and, until 1976, the additional nine-mile contiguous zone, there was never an effective international legal mechanism to regulate the extent of harvesting or the occasionally illicit foreign presence in the contiguous zone. By the mid-seventies, the American fish harvest had

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leveled off; while other fishing nations with large and efficient fleets captured substantial increases in the fish caught off U.S. coasts. This situation led to the overfishing of at least 10 major commercial stocks — Alaskan pollock, California sardines, haddock, halibut, herring, ocean perch, Pacific mackerel, sablefish, yellowfin sole and yellowtail flounder, and resulted in serious economic consequences to the New England and California fisheries.[1] According to the House Committee on Merchant Marine and Fisheries March 2 report, the relationship between the decline of many U.S. fisheries and increased levels of foreign fishing in areas along the U.S. continental shelf and beyond the contiguous zone became increasingly clear; existing conservation efforts were woefully inadequate in preventing the depletion. It was in response to these developments that the Fisheries Conservation and Management Act (FCMA) was signed into law in April 1976.

Fisheries Conservation and Management Act — The FCMA provides a 197-mile Fishery Conservation Zone (FCZ) and establishes eight Regional Fishery Management Councils with specific responsibility for managing the resources within each zone. These plans identify each fishery's optimum annual yield, the U.S. harvest, the total allowable level of foreign fishing (TALFF), and the regulations on foreign and domestic harvesting. The other objective of the act is to "promote domestic commercial and recreational fishing under sound conservation and management principles." Consequently, U.S. fishing interests have been granted priority access to the FCZ in the hope that this would result in the rapid displacement of foreign fishermen by domestic concerns. With advice from the regional councils, the State Department, in counsultation with Commerce, allocates the surplus fish not caught by U.S. fishermen among foreign countries that have signed a "Governing International Fisheries Agreement" (GIFA) with the United States. The GIFA establishes the principles and procedures under which a country may apply to catch a portion of the TALFF. Foreign fishermen, for their part, are also required to pay vessel permit and poundage fees, and when U.S. observers are placed aboard foreign fishing vessels (to insure adherence to the quota and other regulations), observer costs are also levied.

After two years, the FCMA was successful in reducing the foreign catch in the FCZ from 2.17 million metric tons in 1976 to approximately 1.6 million metric tons in 1979. During the same period, the number of foreign fishing vessels was also reduced from approximately 2,500 to 600.[2] Significantly, however, the U.S. share of the total commercial harvest during 1977-79 did not increase dramatically; its 23-percent share in 1976 increased to only 33 percent by 1979. In terms of tonnage of fish harvested, the U.S. catch increased to only 803,000 metric tons in 1979, from its 1976 level of 720,000 metric tons.[3]

The American Fisheries Promotion Act — By 1980, the U.S. industry's performance still lagged far below expectations. Its 33 percent of the total annual catch compared with Japan's more than 40-percent level. In addition, U.S. imports of fish products ballooned from $1.6 billion in 1976 to $3.8 billion by 1979. John Breaux (D, La.), chairman of the House Fisheries Subcommittee, determined that a revision of the FCMA was required since the 1976 act had not revitalized the fishing industry as originally intended. His approach advocated systematically eliminating all foreign fishing from the FCZ, while at the same time providing additional financial aid and incentives to the U.S. industry. Congress softened the phase-out provision of the Breaux bill to a certain extent in that, rather than establishing annual reductions based on a predetermined percentage formula, the regional councils were given two options in determining a country's allocation. They can use either the traditional method of subtracting the domestic capacity from the estimated optimum yield to determine the TALFF for a particular fishery, or opt for a phaseout plan that authorizes the council to deduct a certain

percentage of a country's quota and make additional annual reductions based on anticipated increases in the U.S. harvest.

The American Fisheries Promotion Act mandated a 100-percent observer program applicable to all foreign fishing vessels within the U.S. FCZ "with exceptions limited to certain circumstances in which vessels are too small or otherwise unfit [for observers]." Vessel and poundage fees were also upped and the revenue funneled into fishing industry loan programs. Most importantly, the Breaux bill incorporated the so-called "fish and chips" criteria for determining foreign allocations. Rooted in the concept of reciprocity, "fish and chips" links increased TALFF privileges with the following: (1) improved access of U.S. fish and fish products to foreign markets; (2) greater efforts to aid in the development of the American industry through harvesting/processing joint ventures; (3) improved cooperation in enforcing U.S. fishing regulations; (4) improved cooperation in standardizing gear and developing and transferring harvesting and processing techniques; and (5) improved cooperation in research concerning the use of fish resources. The United States may also consider the extent to which a country historically has been engaged in fishing and its level of domestic fish consumption in awarding allocations. (See Japan Insight No. 46, December 12, 1980 for provisions of the Breaux bill.)

H.R. 5002 — In view of the fact that the FCMA had been in effect for over three years but had yet to be reviewed by legislators, the House Fisheries Subcommittee took the lead earlier this year in examining the effectiveness of the act. The committee concluded that although significant progress had been made in realizing the FCMA's conservation and management objectives, additional amendments were needed to "streamline the management process and clarify U.S. fisheries policy." H.R. 5002, introduced by Rep. Breaux, is currently pending floor consideration and amends the 1976 act in the following important areas: First, H.R. 5002 amends the phase-out provision of the 1980 Breaux bill by deleting the mandate that the State Department reallocate to foreign fishermen in succeeding harvesting seasons, unused fishery resources held in reserve for the U.S. industry. In the committee's report it was explained that since full development of the U.S. fishing industry cannot occur unless there is a "stability of expectations" regarding future U.S. access to the resources of the FCZ, the United States should not automatically be required to reallocate to foreign fishing nations the resources held in reserve. The new bill also specifies the manner in which the State Department releases the surplus allocated to foreign nations. Until this year, Washington announced annual lump-sum TALFF allocations at the beginning of each year. However, H.R. 5002 codifies a policy adopted by the State Department late last year which calls for the first 50 percent of a country's total quota to be allocated in January, 25 percent in April, and the remainder released in July. Moreover, if after the first installment the United States determines that a nation is not fully complying with the "fish and chips" policy, it may reduce the subsequent allotments.

The new bill reinforces the linkage between market access for U.S. fisheries products and TALFF privileges. The Secretary of State is authorized to consider relevant economic, social, or ecological factors and "the best interests of the domestic industry" in establishing an optimum yield for a particular fishery. The committee report points out that a "relevant economic factor" can be a need to enhance the market opportunities available to U.S.-harvested fish. "TALFF is not a right," the committee report stresses. "If foreign nations know they will receive an allocation if the United States does not harvest fish, there is an incentive not to purchase U.S.-harvested fish, thus reducing the U.S. harvesting capacity by restricting an otherwise available market." A loophole in the FCMA concerning foreign processing in internal waters is eliminated in the bill. A foreign vessel would now be permitted to engage in processing activities within a state's internal waters only if it is party to a GIFA and is granted permission by the governor of the state on the grounds that domestic processors lack the capacity to process all the fish.

H.R. 5002 includes a number of administrative provisions, e.g., extraneous paperwork is eliminated; fishery management plans are implemented in a timely manner with specific deadlines for decisions; and emergency cases are handled more expeditiously. According to the committee, the current level of U.S. observer coverage — even though mandated at 100 percent — is not adequate to ensure foreign compliance due to budgetary constraints. Thus, a provision was included that would establish a permanent appropriation for the coverage program, funded by a surcharge on all foreign vessels to cover the costs associated with the program. In this regard, the penalties for violating the FCMA are also being beefed up. If, for example, a vessel is found to have underreported its catch, U.S. federal authorities would be able to demand the fair market value of the excess fish rather than merely seizing the fish itself, which has no value by the time it is confiscated.

The Senate has not moved as quickly on this issue. Senator Bob Packwood (R, Ore.) has introduced S. 2450, which is very similar to the House version and will probably be the Senate vehicle for amendments to the FCMA. At JEI press time, however, the Senate Commerce Committee had yet to report the measure. Senator Ted Stevens (R, Alaska) introduced the "internal waters provision" of H.R. 5002 as a separate bill, S. 2535, which passed the Senate in late May. According to staff sources, the Alaska Republican evidently proceeded in this manner so that this provision would be in effect in time for the salmon harvesting season, which is anticipated to reach record levels.

This year nearly all of the GIFAs with foreign countries will expire; Japan's in particular must be renewed by December. According to State Department sources, Washington's goal in these bilateral negotiations is to bring all of these agreements into conformity with domestic law. Thus, these latest revisions to the FCMA are important since they will serve as the bottom-line negotiating position for Washington's worldwide network of fisheries accords.

American Fishing Interests

The American fishing industry enjoys strong advocacy on Capitol Hill, chiefly among legislators from coastal states who are understandably determined to protect their constituencies' interests. When challenged by foreign critics that the FCMA as amended amounts to nothing more than blatent protectionism, congressional proponents forthrightly acknowledge that the law is intended to promote American industry, and this may well mean a total expulsion of foreign fishing from the FCZ. But, they are quick to point out, this is a different trade issue and should not be lumped in with the auto, steel, textile and high-tech trade disputes. As one industry spokesman remarked, "After all, these are our fish . . . the TALFF is a privilege and [a foreign country's] GIFA really amounts to a 'contract of adhesion'."

Japanese critics, in particular, contend that this represents the opinion of a "small radical group of legislators that are making the most noise [in Congress] rather than the more reasonable majority." They also charge that no administration, past or present, has provided enough leadership on this issue to temper these restrictive fishing industry proposals. But these complaints will fall on deaf ears in the Reagan administration. In view of the fact that the current State Department official charged with fishery affairs was formerly one of the chief advisors on the House Merchant Marine and Fisheries Committee, it comes as no surprise that administration sources concede that now, more than ever, there are philosophical similarities between the Hill, State and Commerce Departments on fisheries management and industry promotion.

While the U.S. fishing industry has generally pushed for a reduced foreign presence in the FCZ — particularly for Japan — it is interesting to consider their mixed views concerning their chief competitor. On one hand, the Japanese who maintain barriers to U.S. fish exports, under-report the species they aggressively catch, and continue to look for ways to get around U.S. regulations are viewed as the "enemy" and should be banned from U.S. waters. On the other hand, however, Japan is recognized as the largest and most potentially lucrative market for U.S.-harvested fish, and of all the foreign fishermen operating in the FCZ, Americans could learn and benefit the most from joint ventures and technology exchanges with their Pacific ally.

In recent years, it appears the industry has been leaning toward the latter view, although American processors still tend to regard the Japanese, with their sophisticated seagoing processing vessels, or "mother ships," as the main threat to their expansion into groundfish processing. In 1978, U.S. processors were successful in pushing through a law that gave American companies first crack at processing U.S.-caught fish in the FCZ, regardless of the attractiveness of other foreign offers. For a while U.S. harvestors supported domestic processing concerns, but as the TALFFs provide them with ever-increasing groundfish stocks, they became frustrated by the processors' continuing focus on onshore facilities that did not accommodate these species. Unlike salmon and halibut, which can be placed on ice for relatively long periods, pollock, hake and other groundfish must be processed immediately. A ship equipped to process at sea costs an estimated $10 million or more, however, which has effectively braked extensive domestic investment in this area. Officials at the National Oceanic and Atmospheric Administration (NOAA) are of the view that given the tremendous costs of building and maintaining fleets of vessels capable of both harvesting and processing all of the various species, U.S. industry may be better off acquiescing to some foreign fishing in its waters in return for joint processing and other "fish and chips" benefits.

In any event, the reciprocity-type criteria in U.S. fishery law seem to be pushing both countries more in the direction of joint venture activities. Last September, for example, a seven-member Fishery Trade Mission from Japan toured Atlantic, Gulf and Pacific processing facilities to share their expertise on processing technology and advise their American counterparts on methods to make the lower-quality groundfish more attractive to Japanese consumers through quick freezing and better seasoning. There have also been reports that Japanese trading companies will assist American processors to expand in return for a guaranteed supply of American fish products.

In both government and industry's estimation, however, these initiatives represented only token support and fell far short of satisfying the reciprocity criteria. Thus, in accord with the most recent revisions to the FCMA, the State Department withheld 10 percent of Japan's April allocation. Since Japanese fishermen were evidently expecting the straight 25-25 split for the remainder of the year, they were angered to the point of staging massive demonstrations. The State Department made it clear that greater "over-the-side" sales of U.S.-caught fish to Japanese processors and/or liberalized market-access measures could restore the cut when the July allocation is made. Tokyo countered that these demands would require extensive cutbacks in its own fleets, and that this posed considerable "social problems" to an industry that historically has provided lifetime employment. The reply was adamant; unless the United States withheld part of its quota, there would be no incentive for Japan to aid in the development of the American fishing industry as required by U.S. law. At a May meeting in Seattle between U.S. and Japanese fishing industry representatives, in what was heralded as a "major concession to U.S. fishermen," the Japanese side therefore agreed to purchase 120,000 metric tons of U.S.-harvested groundfish during the June 1982-May 1983 period, and 200,000 metric tons from June 1983 to May 1984. Washington subsequently agreed to restore the 10-percent cut when Tokyo was notified of its July allocation.

All of this leads the more informed fisheries advisors on the Hill and in the Executive Branch to conclude that while the U.S. goal is to have all harvesting and processing within the 200-mile zone totally American-dominated, it is dubious whether this is feasible. The U.S. harvesting capacity will probably improve at a much faster rate than the processing capacity, which means that the joint venture will be popular for quite some time as a means to further the development of the domestic industry. As Rod Moore, chief fisheries advisor to Rep. Don Young (R, Alaska), explained: "No one wants to deliberately punish the Japanese because of the obvious benefits both parties can realize [in allowing them to fish in U.S. waters.] However, we do want to change the way the relationshp is structured."

The Japanese Position

Since passage of the FCMA, Tokyo has fought to maintain its fishing privileges in U.S. waters, arguing that its industry is highly dependent on fishing operations in the FCZ and would suffer severe economic dislocation if drastically cut back. Appendix 6 indicates that for Alaskan pollock alone, Japan catches between 70 to 80 percent of the TALFF. There is also the country's high dependence on fish as its primary protein source. Japanese fishery representatives like to compare the average American's consumption of beef to his Japanese counterpart's consumption of fish, which constitutes over half of the nation's daily protein intake. Then there is the legacy of Japanese fishing in the Gulf of Alaska and Bering Sea. When asked to explain his country's exceptionally poor enforcement record (in 1980, 11 vessels were siezed for flagrant violations of the FCMA; in 1981, five; and as of June 1982 only one ship was seized), a Japanese source replied that it is still difficult for his country's fishermen to become accustomed to the FCZ regulations. After World War II, he explained, the fishing industry experienced such a boom that they all but ruled the sea. The new statutes are like telling a man he can no longer enter a garden that he has strolled through all of his life, he added.

The Japanese appear particularly resentful of the various fees which, together with the progressively reduced quotas, threaten to drive some fishing organizations out of business and severely curtail the operations of others. They compare the United States to OPEC, saying that it hikes fishing fees annually with apparent disregard for the economic impact on foreign fishing nations. Last fall, in particular, the Japanese industry was in an uproar when NOAA announced the 1982 fee schedule. Washington was planning an exorbitant increase from the 1981 level of $25 million to a 1982 level of $58 million (fees in 1980 were approximately $14 million). "The fee levels . . . would render it virtually impossible for foreign fisheries to continue viable operations in the FCZ," Tokyo announced at that time. Interestingly, the State Department allied itself with Tokyo, concurring that the extent of the increase appeared "arbitrary and capricious," and after an intensive lobbying campaign, NOAA arrived at $34 million for this year.

Tokyo also contends that the new 50/25/25 allocation policy makes long-term industry planning especially difficult and compounds the difficulties in embarking on joint ventures with U.S. companies. At the Seattle meeting, industry representatives reinforced this point and urged that the United States return to the annual allocation policy. The Japanese were so insistent on this point that their memorandum of the meeting suggested that the U.S. delegation would recommend the change to the administration and Congress. This touched off a minor controversy since industry representatives reportedly did not agree to this. After numerous letters and phonecalls between State, NOAA, Congress and the Japanese government, the matter was finally settled. While Washington can appreciate the planning difficulties presented by the new plan, it was stressed, it had no intention of reverting to annual allocations.

Against this backdrop, negotiations on the new U.S.-Japan GIFA are not expected to be an especially easy exercise. Tokyo has submitted its proposal but substantive discussions have evidently not proceeded due to differences between what the United States wants and what the Japanese have offered. Tokyo wants the terms of the accord to reflect its traditionally special relationship with the United States. Their proposal is based on the fisheries provision of the Law of the Sea Treaty — a pact the United States has opposed. In the Japanese view, by denying full international utilization of its fishery resources as stipulated in the Law of the Sea Treaty, U.S. fishery laws are technically in violation of the treaty. One provision particularly objectionable to Washington is Article 62, which says that economic dislocation of foreign fishermen must be considered when a nation limits access to surplus fish in the 200-mile zone. Since Tokyo has argued that economic dislocation will result if the United States continues the new allocation policy and/or continues witholding portions of a quota, inclusion of this provision in the new GIFA could mean that the United States would be subject to conciliation proceedings. U.S. failure to accept the findings of the conciliation committee could in turn precipitate trade sanctions from Japan. U.S. displeasure with this proposal is best summed up by Rep. Don Young's recent statement before the House Foreign Affairs Committee: "Consideration of Japanese and other foreign interests — as well as our own — in allocating TALFF privileges, flies in the face of the efforts that this Congress has made to develop our domestic fishing industry without subsidies and without protectionism but with the idea that these are our fish and we are going to control who gets them."

Finally, there is the issue of commercial whaling. The United States has been urging the International Whaling Commission to impose a moratorium on all commercial whaling. Japan's whaling industry is very well developed and shows no signs of cutting back its activities despite this threatened ban. If and when the whaling moratorium passes, Japan's violation of the ban would trigger two little-known amendments to the FCMA that would have serious repercussions: the so-called Magnuson/Packwood amendment would immediately slash that country's TALFF allocation by 50 percent; and the so-called Pelly amendment would ban all fish or fish product imports from the violating country. In view of the strong reaction to the 10-percent cut in April's allocation by Japanese fishing groups earlier this year, implementation of the Magnuson/Packwood and Pelly amendments could have potentially disastrous consequences for the entire bilateral trade relationship. Tokyo has already indicated that it would consider trade retaliation against the United States if it acts in support of this IWC ruling.

Conclusion: Troubled Waters?

The long-term future for Japanese fishing in U.S. waters is unclear owing to the uncertainty surrounding the U.S. industry's further development. For the immediate future, however, most U.S. sources agree that the American fishing industry can benefit from continued Japanese fishing in the FCZ — as long as it is on U.S. terms. Tokyo does not necessarily strengthen its case, however, by insisting on a special GIFA or threatening trade sanctions. Congress is apparently exerting considerable pressure on the State Department to ensure that the U.S.-Japan GIFA, in particular, conforms to the FCMA. As one fishery specialist put it: "If Tokyo doesn't toe the line, there probably won't be a GIFA signed, which is even more disadvantageous for them since they would be totally barred [from U.S. waters.]"

Footnotes

[1]Oversight Report on the Magnuson Fishery Conservation and Management Act of 1976. House Committee on Merchant Marine and Fisheries, March 2, 1982, Report No. 97-438 p. 3.

[2] Ibid. p. 4.

[3] Ibid.

For further information, contact Barbara Wanner.

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Table 1

Optimum Yield, U.S. Capacity, Reserve, TALFF,* and Foreign Fishing Allocations: North Atlantic and Gulf of Mexico, by Species and Country, 1981

(in metric tons)

	Directed Fisheries						Incidental Catch			
	Red Hake	Silver Hake	Sharks, Except Dogfish	Long-Finned Squid(1)	Short-Finned Squid(1)	Atlantic Mackerel(1)	Butterfish (1)(2)	River Herring(3)	Other Finfish	Total
Optimum Yield	22,000	43,000	6,150	44,000	30,000	30,000	11,000	8,000	247,000	441,150
U.S. Capacity	13,500	29,600	5,000	7,000	5,000	20,000	7,000	7,900	200,200	295,200
Reserve	3,000	0	0	19,000	13,000	6,000	0	0	0	41,000
TALFF	5,500	13,400	1,150	18,000	12,000	4,000	4,000	100	46,800	104,950
Country Allocations:										
Bulgaria	487	2,000	0	125	234	964	10	20	3,778	7,618
Italy	487	2,000	0	4,018	3,114	964	129	10	3,778	14,500
Japan	900	1,242	0	6,061	2,626	600	194	10	3,778	15,411
Spain	487	1,400	0	4,018	2,626	780	129	10	3,778	13,228
Portugal	487	2,000	0					5	3,778	6,270
Faroe Islands	0	0	500	0	0	0	0	0	100	600
United States	2,652	4,758	650	3,778	3,400	692	3,538	45	27,810	47,323

*TALFF = Total allowable level of foreign fishing
(1) For fishing year beginning on April 1, 1981 and ending on March 31, 1982.
(2) Allocated by country in proportion to long-finned squid fishery.
(3) Includes alewife, blueback herring and hickory shad.

Source: U.S. Department of Commerce, National Oceanic and Atmospheric Administration

Table 2

Optimum Yield, U.S. Capacity, Reserve, TALFF* and Foreign Fishing Allocation: Eastern Bering Sea and Aleutian Islands, by Species and Country

(in metric tons)

	Alaska Pollock	Atka Mackerel	Turbots	Yellowfin Bola	Other Flounders	Pacific Cod	Pacific Ocean Perch	Other Rockfish	Sablefish	Snails	Squid	Other Species	Total
Optimum Yield	1,100,000	24,800	90,000	117,000	61,000	120,000	10,750	7,727	5,000	3,000	10,000	77,314	1,626,591
U.S. Capacity	74,500	14,500	1,075	31,200	11,200	43,265	2,760	1,550	1,400	0	50	7,800	189,300
Reserve	50,000	1,240	4,500	5,850	3,050	6,000	537	500	500	0	500	3,866	76,543
TALFF	975,500	9,060	84,425	79,950	46,750	70,735	7,453	5,677	3,100	3,000	9,450	65,648	1,360,748
Country Allocations:													
Taiwan	9,064	177	686	689	469	500	34	61	53	0	117	662	12,512
FRG**	8,771	624	742	742	742	400	33	85	57	0	128	809	13,133
Japan	496,286	2,530	40,692	41,695	25,498	16,666	1,786	2,453	2,018	3,000	3,946	32,153	668,722
Poland	--	0	0	0	0	0	--	0	--	0	0	0	0
ROK***	82,107	2,527	4,174	4,791	3,023	3,320	284	525	438	0	954	4,500	106,643
Unallocated	379,273	3,202	38,131	32,033	17,018	49,849	5,316	2,553	534	0	4,305	27,524	559,738

*TALFF = Total allowable level of foreign fishing
**FRG = Federal Republic of Germany
***ROK = Republic of Korea

Source: U.S. Department of Commerce, National Oceanic and Atmospheric Administration

Table 3

Optimum Yield, U.S. Capacity, Reserve, TALFF,* and Foreign Fishing Allocations:
Gulf of Alaska, by Species and Country, January 1, 1982-December 31, 1982

(in metric tons)

	Directed Fisheries									Incidental Catch	
					Rockfishes						
	Alaska Pollock	Atka Mackerel	Flounders	Pacific Cod	Thorny-head	Ocean Perch	Other	Sablefish	Squid	Other Species[1]	Total
Optimum Yield	168,800	28,700	33,500	60,000	3,750	11,475	7,600	12,300	5,000	16,200	347,325
U.S. Capacity	21,310	2,070	3,180	10,000	6	2,100	900	5,780	150	1,720	47,216
Reserve	33,760	5,740	6,700	12,000	750	2,295	1,520	2,600	1,000	3,240	69,605
TALFF	113,730	20,890	23,620	38,000	2,994	7,080	5,180	3,920	3,850	11,240	230,504
Allocations:											
FRG[2]	840	45	24	90	15	30	30	15	45	60	1,194
Japan	32,564	3,596	10,359	18,441	1,351	2,884	1,363	2,890	1,460	3,606	78,514
Poland	0	0	0	0	0	0	0	0	0	0	0
ROK[3]	19,125	3,750	3,126	2,049	369	807	1,375	538	509	2,256	33,904
Unallocated	61,201	13,499	10,111	17,420	1,259	3,359	2,412	477	1,836	5,318	116,892

*TALFF = Total allowable level of foreign fishing

[1]Other species include sculpins, sharks, skates, euchachon, smelts, capelin, rattail and octopus.

[2]FRG = Federal Republic of Germany

[3]ROK = Republic of Korea

Source: U.S. Department of Commerce, National Oceanic and Atmospheric Administration

Table 4

Japanese Allocations and Catch in U.S. Fishery Coastal Zone by Area, 1977-1981

(in metric tons)

Year	Item	Northwest Atlantic	Gulf of Alaska	Bering Sea and Aleutians	Seamount	Total
1977	Original Allocation	21,560	105,000	1,063,400	1,000	1,190,960
	Final Allocation	32,040	105,000	1,063,400	1,000	1,201,440
	Catch	14,977	100,836	1,012,499	0	1,128,312
1978	Original Allocation	8,220	69,460	1,094,955	1,000	1,173,635
	Final Allocation	18,498	101,785	1,129,025	1,000	1,250,308
	Catch	7,135	66,272	1,110,597	416	1,184,420
1979	Original Allocation	10,385	31,424	1,062,335	1,000	1,105,144
	Final Allocation	22,842	118,002	1,063,585	1,000	1,205,429
	Catch	7,712	72,223	1,034,696	218	1,114,849
1980	Original Allocation	14,200	58,815	1,042,175	1,000	1,116,190
	Final Allocation	22,873	159,422	1,220,640	1,000	1,403,935
	Catch	10,765	107,973	1,060,690	795	1,180,223
1981	Original Allocation	12,478	128,748	1,070,885	1,000	1,213,111
	Final Allocation	24,303	217,439	1,181,443	1,000	1,424,185
	Catch	10,960	115,815	1,033,162	662	1,160,599
1982	Original Allocation	*	58,549	514,636	1,000	574,185**

*Not available.
**Total does not include Northwest Atlantic allocations.

Source: U.S. Department of Commerce, National Oceanic and Atmospheric Administration

Table 5

Japan: Allocations by Area and Percent of Total Allocation,* 1977-81

(in metric tons)

Year	Gulf of Alaska	Bering Sea and Aleutians	Seamount	Northwest Atlantic	Total or Average
1977	105,000 (40.6%)	1,063,400 (77.3%)	1,000 (50.0%)	32,040 (9.8%)	1,201,440 (57.4%)
1978	101,785 (36.0%)	1,129,025 (75.6%)	1,000 (50.0%)	18,498 (10.2%)	1,250,308 (60.0%)
1979	118,002 (37.3%)	1,063,585 (74.2%)	1,000 (50.0%)	22,842 (12.5%)	1,205,429 (57.3%)
1980	159,422 (46.0%)	1,220,640 (80.9%)	1,000 (50.0%)	22,873 (11.8%)	1,403,935 (66.8%)
1981	217,439 (58.6%)	1,181,443 (79.9%)	1,000 (50.0%)	22,051 (20.6%)	1,421,933 (69.2%)

*Figures in parentheses indicate percent of total.

Source: U.S. Deparmtnet of Commerce, National Oceanic and Atmospheric Administration

Table 6

Japan: Selected Species, Quantity and Percent of Total Allocation,* 1977-81

(in metric tons)

Year	Pollock	Atka Mackerel	Flounders	Pacific Cod	Sablefish	Squid	Crab	Hake and Whiting	Other Species
1977	836,400 (76.1%)	**	142,300 (63.7%)	39,700 (68.9%)	19,500 (86.0%)	31,740 (40.3%)	12,500 (100.0%)	0 (0.0%)	119,300 (34.5%)
1978	833,040 (76.1%)	4,000 (8.0%)	190,860 (61.8%)	64,402 (69.5%)	12,260 (83.0%)	23,846 (36.5%)	15,000 (100.0%)	2,930 (1.5%)	106,900 (28.7%)
1979	812,909 (73.4%)	4,718 (9.1%)	170,620 (68.8%)	54,518 (63.5%)	19,525 (74.0%)	20,591 (43.5%)	15,000 (100.0%)	3,441 (1.6%)	117,548 (25.8%)
1980	942,572 (76.8%)	9,232 (17.8%)	209,796 (73.1%)	79,324 (78.2%)	18,951 (71.2%)	21,720 (29.0%)	17,500 (100.0%)	3,000 (2.0%)	121,840 (58.9%)
1981	941,887 (76.8%)	21,634 (38.2%)	217,600 (77.6%)	89,888 (78.1%)	11,421 (75.3%)	26,560 (34.3%)	0 (0.0%)	2,142 (1.8%)	110,801 (68.7%)

*Figures in parentheses indicate percent of total.
**Included in other species.

Source: U.S. Department of Commerce, National Oceanic and Atmospheric Administration

SEP 9 1982
ACTION | ROUTE TO
Exec. Dir.
Dep. Dir.
Admin.

FOR IMMEDIATE RELEASE
September 1, 1982

97-220
Second Session

FROM THE SENATE COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Senator Bob Packwood (R-Oregon) and 65 other Senators today urged the Administration to warn that the United States will impose strong sanctions against any country which violates International Whaling Commission (IWC) decisions, including the recently-approved moratorium on all commercial whaling.

The letter, signed by about two-thirds of the Senate, said, "In order to avoid any thought that the U.S. can be 'faced down' on the whaling issue, we should make it absolutely clear now that the United States will invoke (two) amendments against any nation violating IWC decisions."

The letter said, "The Pelly Amendment to the Fishermen's Protective Act and the Packwood-Magnuson Amendment to the Fishery Conservation and Management Act represent the best and most credible deterrents available to prevent nations from subverting the IWC by means of objections, or through leaving the Commission."

Under the 1979 Packwood-Magnuson Amendment, a country certified as violating whale conservation measures automatically loses at least half its fishery allocation from U.S. coastal waters. Under the 1971 Pelly Amendment, the United States can embargo imports of fish products from any country violating whaling agreements.

The letter also said the United States "must undertake every diplomatic means open to it to prevent the whaling nations from filing objections to the (IWC) moratorium." The Commission last July at its annual meeting in England voted 25 to seven to declare a world-wide moratorium on commercial whaling, beginning in 1986.

"Our key concern...is to insure that this epochal decision by the IWC is honored by the whaling nations," the message said.

(more)

The letter was initiated by Senator Packwood, Chairman of the Senate Committee on Commerce, Science and Transportation, and by Senator Charles Percy (R-Illinois), Chairman of the Senate Foreign Relations Committee. It was delivered today to Commerce Secretary Malcolm Baldrige, whose Department has the authority to invoke such sanctions.

The letter added, "If we succeed in preventing objections against the IWC cessation decision, we will avoid a period of tension and uncertainty in our relations with whaling nations with respect to fisheries.

"If no objections are filed, there is no need to fear the possible future use of sanctions to enforce IWC decisions," it said.

Accepting the IWC decision will serve the "interests of the majority of citizens, including fishermen in both non-whaling and whaling countries," it concluded.

The letter is the latest of many marine mammal protection measures taken by Senator Packwood as Chairman of the Committee with jurisdiction over oceans and marine life.

Other Senators signing the letter included: Mark Hatfield (R-Oregon), Slade Gorton (R-Washington), Henry Jackson (D-Washington), Alan Cranston (D-California), S.I. Hayakawa (R-California).

For further information please call Dennis Phelan of the Majority Staff at (202)224-8170. Press may contact Marsha Dubrow at (202)224-2670 or Etta Fielek in Portland, Oregon at (503)221-3370.

STATUS OF FISHERY MANAGEMENT PLANS

1. Salmon FMP

The Council will review a policy on natural chinook stock management, receive an update on the 1982 season and hold a public hearing on Tuesday evening on the troll salmon fishery.

2. Herring FMP

The Council will review revised FMP language to restart Secretarial review. These revisions resulted from Council actions in July concerning the definition and determination of OY and the adjustment of ABC.

3. King Crab FMP

No action is required on king crab at this meeting. The Secretarial review period started on June 10 and was extended due to minor revisions in the supporting documents and regulations which will be submitted by September 30.

4. Tanner Crab FMP

The Council will take final action on Amendment #8 to remove inconsistencies between State and Federal regulations. Given Council approval Amendment #8 will be sent to Secretarial review.

Amendment #7, which established new *C. bairdi* OYs and set *C. opilio* OY equal to DAH (i.e. TALFF = 0), was published as a proposed rule on September 3, 1981. No date has been given by NMFS for final publication.

5. Gulf of Alaska Groundfish FMP

Though Council action was taken at the July meeting on Amendment #11, the Council still needs to clarify the issue of the exclusion of pot gear east of 140°W for sablefish. Other parts of the amendment are under staff preparation and will be submitted to Regional Office review by the end of September. The plan team will meet prior to the December Council meeting to discuss ways of making the management regime in the Gulf more flexible.

6. Bering Sea/Aleutian Islands Groundfish FMP

At this meeting the Council will consider sending Amendment #6 concerning the fishery development zone to Secretarial review. A proposal to allow foreign longlining in the Winter Halibut Savings Area will also be reviewed.

Amendment #5 decreasing the prohibited species catch of chinook salmon to 45,500 salmon for 1982 began Secretarial review on June 1, 1982. The review period should have ended on July 30, but no word has been received yet.

Amendment #4 revising fishery allocations for various species or groups began Secretarial review on February 22, 1982 and should have finished review on April 18. No word has been received from NMFS.

Amendment #3 concerning prohibited species catch limitations is being reviewed in the Regional Office. We expect the documents to be back in the Council office by September 30 and then they will be sent to Washington, D.C. to commence Secretarial review.

Amendment #1 on managing groundfish as a complex has been through Regional Office review and is under final preparation in this office for submission to Secretarial review by the end of September.