



May 1978

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Washington, D.C. 20235

May 18, 1978

MEMORANDUM FOR COUNCIL CHAIRMEN

FROM: ^{Bob} Robert W. Schoning
Special Assistant to the Assistant
Administrator for Fisheries

SUBJECT: Improving NMFS/Council Effectiveness and Relationships

All of you are aware that I have accepted an intergovernmental personnel assignment as an adjunct professor to teach at Oregon State University in Corvallis, Oregon. I tentatively plan to report in July, subject to a number of contingencies and developments such as finalizing the paper work, selling our house, driving across country, etc. I will be instructing in international fisheries negotiations; implementation of the FCMA and its relationship to the unique new Councils and the State and Federal Governments; and the impact of the FCMA on domestic and foreign fisheries.

Effective May 1, I was detailed to serve as a Special Assistant to Terry Leitzell with the specific assignment of improving the working relationship between the Councils and NMFS. Except for special problems which may develop, I expect to devote full time to this task until my departure. In carrying out the new assignment, I plan to attend at least one meeting of each Council. Because of the scheduling overlaps among Councils, I will be unable to visit all eight Councils prior to my scheduled departure for Oregon State. It will mean then that I will probably not get to some Councils until a later date in order to see all in operation. Contact with western Councils may be last to minimize travel and save time. My tentative meeting/visit schedule based on presently proposed Council meetings is attached, but is subject to change. I will be in contact with Council Executive Directors about suggested details of arrival, departure, and contacts while at the meeting. If there are suggestions or comments about this schedule, please let me know.

I hope to talk with the Council members as a group and individually as appropriate, possibly at breakfast, lunch, dinner, or other informal sessions where we can have frank exchanges of views. Voting and nonvoting members as well as Council staff would be contacted. I am prepared to

MAY 23 1978



come to the meetings in advance of the public sessions and stay as long as necessary to accommodate everyone's needs. I would hope also to be able to talk with members of the SSC and the Advisory Panels, subject to their availability and interest. I intend to visit with NMFS Regional and Center personnel who work with the Councils in various capacities. I plan to conclude this effort with a candid, frank, written report to Terry regarding my discussions along with recommendations on how to improve NMFS relationships with the Councils. Comments on associated items as appropriate will be included. This would include actions that can be accomplished by changes in policy, administration, operation, or legislation.

I would hope that I would get views, as different people perceive them, on the roles of the various entities, including the Council's Advisory Panels, Scientific and Statistical Committees, the NMFS Centers, Regions, and Washington office. The roles of the voting and nonvoting members, the Council staff, and NMFS Regional and Center personnel also should be discussed. How we can collectively work more effectively under NEPA, the Federal Advisory Committee Act, and other Federal statutes, not specifically directed toward fisheries would be addressed. I am anxious to discuss ways to be more effective in communication with the public about the relative roles and the actions of the Councils and NMFS under the FCMA. Some of the issues that we have discussed in the past and still have not totally resolved will also be covered for background and solution as appropriate. They would include such things as budget, conflict of interest, confidentiality of statistics, status of Councils, etc. One of the major overall thrusts will be to determine what we in the Service as a whole can do in working with the Councils and the public to make our collective efforts more productive and useful.

I considered the relative merits of putting out a written questionnaire in advance of the visits but for a variety of reasons have decided not to do so. I do hope to have a number of general questions that will be used in all of the discussions as well as questions which will pertain to specific Councils. I have again studied the minutes of each of the Council meetings concluded last year and have highlighted certain issues and problems. These will be discussed as appropriate.

I will contact you or your staff in advance of my visit so that I can attend the most appropriate meetings to most effectively use the time to discuss these important matters. I am very excited about this new assignment and think it has a potential for having widespread benefits. I know I can count on your cooperation and candid comments. If you have any questions about this, please don't hesitate to call me. My number is: 202-634-7243. I recognize that after we get started with these interchanges, many things could change as to format, procedure, items for discussion, or whatever, but this is my best projection of the conduct of activities as of this time.

I sincerely appreciate and thank you for your help, cooperation, support, and friendship in my previous assignment. Without them and you, the FCMA would not be so far along as it now is. There have been many problems and much success. Both will continue. I hope to minimize the former and maximize the latter. I look forward to continuing to work closely with you in my new assignment.

See you soon.

Attachment

cc: Leitzell
Gehring
Meibohm
Regional/Center Directors
ADS

<u>Dates</u>	<u>Council</u>	<u>Location</u>
May 23-25	South Atlantic	Columbia, S.C.
June 6-8	Gulf	Mobile, Alabama
June 14-15	Mid-Atlantic	Virginia Beach, Va.
June 19-22	Caribbean	St. Croix, V.I.
June 28-29	New England	N. Dartmouth, Mass
July 12-14	Pacific	Monterey, Calif.
July 27-28	North Pacific	Anchorage, Alaska
Aug. 2-4	Western Pacific	Kailu-Kona, Hawaii

[3510-22]

Title 50—Wildlife and Fisheries

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE
PART 611—FOREIGN FISHING REGULATIONS

Amendment of Foreign Fishing Fee Schedule and Codification of Regulations

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Amendment and codification of foreign fishing regulations.

SUMMARY: This document amends the foreign fishing fee schedule under provisions of the Fishery Conservation and Management Act of 1976 by adding five new species to the previously published list, provides an additional basis for determining vessel permit fees in nonretention fisheries, and incorporates the entire fee schedule into the foreign fishing regulations.

EFFECTIVE DATE: This amendment will become effective April 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard H. Schaefer, Chief, Fishery Management Operations Divisions, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235, telephone 202-634-7454.

SUPPLEMENTARY INFORMATION: Pursuant to section 204(b)(10) of the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 et seq., as amended, a fee schedule was published in the FEDERAL REGISTER on October 7, 1977, at 42 FR 54588. This schedule, which is applicable for 1978, lists the fees charged foreign governments for species of fish taken by their flag vessels which fish in the fishery conservation zone (FCZ) of the United States. This schedule also lists fees payable to the United States for foreign flag vessels which conduct or support fishery activities within the FCZ.

This schedule was first published as a draft fee schedule on June 15, 1977 (42 FR 30529). That publication solicited written comments or suggestions "from the public, concerned governmental agencies, the scientific community, industry, private interest, or any other interested party concerning any aspect of the proposed fee schedule * * *". This schedule was published as a final document in the FEDERAL REGISTER in the notice section on October 7, 1977 (42 FR 54588). It has

since been determined, however, that the schedule should be incorporated into the foreign fishing regulations which appear in 50 CFR Part 611. One purpose of this publication is to correct earlier practice by republishing the fee schedule as a rule. A second purpose is to amend the October 7, 1977, fee schedule by adding five new species to the species list. This amendment was first published January 25, 1978 (43 FR 3420), as a proposed amendment. Comments were received from the Government of Japan in response to that publication. They urged that Japanese values for billfish and sharks, which are considerably lower than the prices in the United States, be substituted in computing the fees to be paid to the United States. This suggestion cannot be accepted because prices used in computing fees are based on U.S. landings data whenever possible. Only in the rare situation where no U.S. ex-vessel price data exist for a particular species are foreign prices used.

A third purpose is to publish a second amendment which establishes an appropriate permit fee for foreign fishing vessels engaging in "nonretention" fisheries within the fishery conservation zone (FCZ). This provision has been discussed with the foreign governments involved. Those governments contend that since the act does not control the taking of highly migratory species of tuna within the FCZ, it is unnecessary for foreign fishing vessels desiring to take only highly migratory species of tuna to apply for or to have on board a permit for that purpose.

Their position is not consistent with section 201(a) of the act which states, in part, " * * * no foreign fishing is authorized within the fishery conservation zone * * * unless such foreign fishing * * * is conducted under and in accordance with, a valid and applicable permit * * * ". "Fishing" is defined, in relevant part, as "the catching, taking, or harvesting of fish; * * * any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish * * * " [emphasis added].

Under the act, it is immaterial whether foreign fishermen desire to catch only tunas; intent of the fishermen is not relevant. Longline fishing gear, comprised as it is of a series of baited hooks suspended from a central "longline" which may extend for many miles, is inherently attractive to many species of fish (including billfishes and sharks) in addition to highly migratory species of tuna. It is inevitable that some of those other species, subject to U.S. jurisdiction under the act, will be caught. Setting a longline is thus an "activity which can reasonably be expected to result in the catching * * * of fish * * * ". There-

fore, it is clear that all foreign fishing vessels with nonselective gear operating within the FCZ must have a permit whether they have allocations or not. There is, moreover, a need to have information about the presence, the movements, and the catches of these other species by foreign longline vessels for conservation and management purposes.

The schedule of vessel permit fees charges \$1 per gross registered ton for catching vessels, and is based on the premise that the fishing power (capacity to remove fish from the sea) of such vessels is related to the vessel's tonnage. Thus, a vessel of greater tonnage would be expected to pay a higher fee. That premise is inapplicable to vessels engaged in a fishery in which they may not retain the regulated species. Accordingly, for such vessels, appropriate vessel permit fees should be those charged to other vessels that neither catch nor process fish, namely, \$200. This figure represents the approximate cost to process and issue a permit. Foreign longliners of nations with allocations will be charged vessel permit fees on the same basis as all other foreign vessels which catch fish (i.e., \$1 per gross registered ton).

All nations having any interest in these fee schedules have already been individually notified of them. This schedule, which applies only to foreign nations and their fishermen, comes within the foreign affairs exemption of the Administrative Procedure Act.

NOTE.—The National Marine Fisheries Service has determined that this publication does not constitute a major action requiring preparation of an economic impact analysis under E.O. 11821 and 11949. The National Marine Fisheries Service has further determined that this publication does not constitute a major Federal action within the meaning of the National Environmental Policy Act of 1969 requiring the preparation of an environmental impact statement.

AUTHORITY: 16 U.S.C. 1801 et seq.

Signed at Washington, D.C., this 19th day of April 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

1. Amend 50 CFR Part 611 by inserting new § 611.22:

§ 611.22 Fee schedule for foreign fishing permits.

(a) The fee charges for fishing by foreign flag vessels for fish over which the United States exercises exclusive fishery management authority required by section 204(b)(10) of the act and § 611.3(c)(3) of this part are specified as follows:

(1) *Permit fees.* The owners and operators of all foreign vessels engaging in fishing as defined in § 611.2(p), are required to pay appropriate fees as

specified in the following table. In the case of vessels described in more than one category, the highest applicable fee will be charged. Permit fees must be paid in advance and are not refundable. However, on a case-by-case basis, the Assistant Administrator for Fisheries may allow the substitution of like vessels when the original vessel has become disabled or otherwise cannot participate in the fishery.

TABLE I

Vessel activity	Permit fee
Catching (activities described in § 611.2(p) (1) or (2) with an applicable national allocation (per gross registered ton).....	\$1.00
Catching (activities described in § 611.2(p) (1) or (2) without an applicable national allocation, i.e., a non-retention fishery (per vessel).....	200.00
Processing (activities described in § 611.2(p)(3)(i)) (per gross registered ton) (up to \$2,500).....	.50
Other support (activities described in § 611.2(p)(3) (ii) or (iii)) (per vessel).....	200.00

(2) **Poundage fees.** (i) The poundage fee for each allocated species is calculated at 3.5 percent of the actual landed value per metric ton of the species to U.S. fishermen where U.S. landing data are available in 1976, the most recent year for which such data are available.

(ii) This fee must be paid in advance on the entire national allocation if the nation receiving the allocation chooses to accept it.

(3) **Method of payment.** (i) All payments received must be drawn in U.S. dollars, payable at a bank in the United States, and be made payable to the U.S. Department of Commerce, NOAA. In addition, payments from private firms or individuals should be in the form of a certified check.

(ii) Remittances should be sent to the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C. 20235, Attention: F3. To facilitate processing, each remittance should be accompanied by a copy of the applicable bill for collection for identification purposes.

(iii) Refunds of poundage fees will be made only upon written application to the address mentioned in (3)(ii) above. Refund requests should contain the following information:

(A) A statement that the amount involved is more than \$100.

(B) An explanation of the difference between the amount of actual catch and the amount of catch authorized, and the reasons for the difference.

(b) The following ex-vessel prices to be used for computing fees are based on U.S. commercial landings as published in "Fisheries of the United States, 1976, Current Fishery Statistics No. 7200, National Marine Fisher-

ies Service, April 1977," except where noted:

Species:	Average ex-vessel value (per metric ton)
Butterfish.....	\$622
Cod, Pacific.....	282
Crab, tanner (snow).....	441
Flounders Pacific.....	387
Hake, Pacific.....	32
Hake, red.....	185
Hake, silver (whiting).....	184
Herring, Atlantic.....	87
Herring, Pacific.....	1100
Herring, river (alewives).....	98
Mackerel, atka.....	138
Mackerel, Atlantic.....	259
Mackerel, jack.....	110
Other billfish, Pacific.....	875
Other finfish, Atlantic.....	334
Other groundfish, Pacific.....	48
Pollock, Alaska.....	84
Pacific Ocean perch.....	280
Rockfish.....	288
Sablefish.....	399
Seamount groundfish.....	172
Sharks, Atlantic (except dogfish).....	140
Sharks, Pacific (except dogfish).....	134
Snails (meat).....	600
Squid, Atlantic.....	414
Squid, Pacific.....	155
Striped marlin, Pacific.....	1,579
Swordfish, Pacific.....	4,040

*Price for roeless herring, which will constitute the foreign harvest. Provided by the Embassy of Japan in Washington, D.C., and validated by NMFS, Division of Data Management and Statistics.

*Source: Suisanbutsu Ryutsu Tokel Geppo (Monthly Statistical Report on Distribution of Fish and Fish Product). Issued by the Ministry of Agriculture and Forestry, Japan.

*Includes blue marlin, black marlin, and sailfish. *Average price from U.S. Atlantic landings of bluefish, cusk, scup, sea trout, sharks, white hake, and wolffish. Source: Division of Data Management and Statistics, NMFS.

*Used for production of fish meal. Price based on U.S. landings of anchovy and Pacific hake.

*Average price in 1976 for dressed frozen fish taken in U.S. waters, landed in Japan, converted to raw fish price (round weight). Source: U.S. Fishery Attache in Tokyo.

*Includes armorheads and alphonsons. Average price in 1976 for dressed frozen fish landed in Japan, converted to raw fish price (round weight). Source: U.S. Fishery Attache in Tokyo.

*Ex-vessel price provided by the Embassy of Japan.

*Separate prices for Atlantic and Pacific squids are based on raw data used to develop the value for squid in "Fisheries of the United States, 1976." (Division of Data Management and Statistics, NMFS).

[FR Doc. 78-12121 Filed 5-3-78; 8:45 am]

[3510-22]
PART 651—ATLANTIC GROUND FISH (COD, HADDOCK, YELLOWTAIL FLOUNDER)

Interim Emergency Regulations and Request for Comments; Correction

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Correction of regulation.

SUMMARY: Emergency regulations governing the Atlantic groundfish fisheries (cod, haddock, and yellowtail flounder) were published in the FEDERAL REGISTER on March 31, 1978 (43 FR 13578). Those regulations were amended on April 10, 1978 (43 FR 14968).

One part of the amendment which relates to fishermen engaging in fisheries other than the cod, haddock, or yellowtail flounder fisheries, but who catch those species incidental to their purposeful fisheries for other species, was inadvertently changed. The purpose of this correction is to delete that part of the amendment which was inadvertently changed and to reinstate the rule in effect before March 31, 1978.

EFFECTIVE DATE: This correction becomes effective May 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. William G. Gordon, Director, Northeast Region, National Marine Fisheries, 14 Elm Street, Gloucester, Mass. 01930, telephone 617-281-3600.

SUPPLEMENTAL INFORMATION: On March 31, 1978, interim emergency and proposed regulations implementing the fishery management plan for Atlantic groundfish (cod, haddock, and yellowtail flounder) were published in the FEDERAL REGISTER (43 FR 13578). Subsection 651.6(c) of those regulations and the amendment to the regulations published on April 10, 1978 (43 FR 14969), changed the incidental catch allowance which had been in effect since March 14, 1977 (42 FR 13999), of 5,510 pounds or 10 percent of the weight of all fish on board per trip, whichever is greater. This change inadvertently resulted in allowing vessels using small-mesh nets primarily for species other than regulated species to catch and land the same quantities of regulated species as vessels using large mesh nets primarily for regulated species. The restriction for small-mesh vessels of 5,510 pounds or 10 percent of all fish on board, whichever is greater, is therefore reinstated.

Fishermen should note that the landing restriction section of the regulations makes it unlawful for any vessel to land more cod, haddock, or yellowtail flounder than the stated amounts. Thus, the landing restrictions apply to vessels using small-mesh nets as they do to vessels of similar size using large-mesh nets and engaged in the fishery for the regulated species.

Fishermen are cautioned that the restrictions on landing cod, haddock, and yellowtail flounder are subject to revision by the Assistant Administrator for Fisheries and will be revised from time to time.

Signed at Washington, D.C., this 28th day of April, 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

Correct 50 CFR 651.6(c), as amended, by striking the paragraph in its entirety and substituting the following:

Packers of
Canned Goods,
Frozen Foods,
Various Types of
Fishing

Agenda Item 24

May 1978

Cable Address

NICHIROGYO TOKYO

NICHIRO GYOGYO KAISHA, LTD.

(Nichiro Fisheries Company, Ltd.)

SHINYURAKUCHO BUILDING, TOKYO, JAPAN

PHONE (214) 6161

May 8, 1978

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

Dear Mr. Harold Lokken,

I would like to appreciate the kindness of you and the other members of R.C. in which you gave us opportunities to express our opinions in making FMP of 1978, though our requirements were not approved in the end.

I believe that our demand to fish OPIGLIO in the area south of 58 N. Lat. only for iceberg season in the smallest necessity for the existence of our crab fishery and it has no important effect upon American fisherman.

Fortunately we have been able to continue the crab fishing because the iceberg did'nt come down nearby 58 N. Lat. this year, however, it is obvious that such a condition of icebergs is unusual judging from the past data.

Therefore in making FMP of 1979, we sincerely would like you to give us opportunities to express our opinions again in R.C. to be held in May or June in order to avoid the danger of icebergs.

I have no doubt that the friendship between U.S.A. and JAPAN will be great help for American tanner crab industry which depends upon Japanese market very much.

Please accept our deep aporogies for delay in replying you because I took Mr. Ono's place as a person in charge of Japanese mother ship system tanner-crab fishing.

Sincerely yours,

Shoji Nagata

Shooju Nagata,
General staff manager
Salmon & Crab Fishing Dep't



MAY 1978

Made hotel reservations for:

on May 15, 1978.

Joe Kurtz	AWH Hotel	May 23 ,24,25	single	res. card \$34.rate
-----------	-----------	---------------	--------	---------------------

on May 17

Bud Boddy	AWH	changed from May 22-25(?) to May 24-25 per his letter.	"	?
-----------	-----	---	---	---

1st Revision

Original FMP

Mail draft to Council

inhouse review

Notice of Availability &
Public hearings - 800 copies
printed

Public hearings begin

Comment period over

1st Council review & rewrite

2nd Council review & approve
for submission to SOC

Rewrite, print 50-200,
submit to SOC - review period
begins

Review period ends -
Notice of proposed rule
making published

Plan in effect

May 22, 1978

Joella Buswell, Catering
Anchorage/Westward/Hilton Hotel
3rd & E
Anchorage, Alaska 99501

Dear Joella:

For the North Pacific Fishery Council lunch to be served on
Thursday, May 25, 1978, we would like the following:

Small tossed salad *house dressing*

Roast Beef Sandwich / *au jus*

Coffee / tea

The Council wants to eat lightly this meeting; there will be 15 to 17 people.

Sincerely,

Florence M. Mynarski
Executive Secretary

*20 people head table
lots of room
no projector/screen*

no budget/room
do budget/room
with budget/room

Executive Secretary
Florence H. Kline

Secretary

The Council wants to see directly after meeting: there will be 12 to 14 people.

Coffee / tea

Board seat schedule / on line

Small round table / James G. Thompson

Philadelphia, May 22, 1948. We would like the following:
for the next several years Council lunch to be served on

Dear Betty:

Philadelphia, May 22, 1948
319 S E
Philadelphia/Messinger/Hotel
Betty Bennett, Secretary

May 22, 1948



ANCHORAGE WESTWARD HILTON

THIRD AT E STREET
ANCHORAGE, ALASKA 99501
(907) 272-7411

January 6, 1978

*Signed &
mailed
1-30-78*

Mrs. Judy Willoughby
NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL
P. O. Box 3136
Anchorage, Ak. 99510

Dear Judy,

The Anchorage Westward Hilton's formal commitment to you for your May meeting of the North Pacific Fisheries Council is as follows:

1. We are reserving 20 guest rooms for arrival on Tuesday, May 20th and an additional 20 rooms for arrival on Wednesday, May ~~21st~~ with all scheduled for departure on May 26th. We are pleased to guarantee to you our Government rate of \$34.00 single occupancy and \$44.00 twin or double occupancy in our Westward Tower, or, \$38.00 single occupancy and \$48.00 twin or double occupancy in our Anchorage Tower. Please add a 5% hotel sales tax to your final room charges.
2. We will provide 50 Return Reservation Cards for your distribution. We will have these printed, postage-paid and free of charge. These Return Reservation Cards must be received by our Reservations Department no later than May 9th in order to hold space on a definite basis.
3. Check-out time will be 2:00 P.M..
4. For your meeting and catering needs, we have outlined the following:

*Tuesday, May 23, 1978
and*
WEDNESDAY, MAY 24, 1978

<u>FUNCTION:</u>	<u>TIME:</u>	<u>ROOM:</u>	<u>SET-UP:</u>	<u>NO. OF GUESTS:</u>
Meeting	8:00AM-5:00PM	COMMODORE	THEATRE	35

THURSDAY, MAY 25, 1978

Meeting	8:00AM-5:00PM	KENAI-ALEUTIAN	THEATRE	125
Lunch	12:NOON-1:00PM	PORTAGE	ROUNDS	14-20

FRIDAY, MAY 26, 1978

Meeting	8:00AM-5:00PM	KENAI-ALEUTIAN	THEATRE	125
Lunch	12:NOON-1:00PM	PORTAGE	ROUNDS	14-20

Due to your guest room commitment of 40 per night, except as outlined in paragraph 1, the meeting rooms will be free of charge. Should you

pick up less than the number of rooms specified, we will apply a rental charge of \$100 per day.

5. Coffee service can be provided at the rate of \$16.00 per gallon, plus 15% gratuity.
6. For your billing, it is our understanding that each individual will pay his or her own room rate, tax and all incidentals incurred.

The catering charges will be billed to you as follows:

Mrs. Judy Willoughby
NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL
P. O. Box 3136
Anchorage, AK. 99510

Please sign and return the enclosed extra copy of this letter so we may make this a definite booking.

Thank you.

Sincerely,

ANCHORAGE WESTWARD HILTON

THE ABOVE AND FOREGOING IS HEREBY APPROVED:

Bob Furlong
Director of Sales

Mrs. Judy Willoughby for
NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL

BF/djm

DATE: _____

Enclosure

cc: Lewis Watson
Front Office Manager

Candy Dubois
REservation Supervisor

Mike,

This was presented at the May 78
Council meeting and probably
should be an Appendix.

Florence

not at



Presented to NPFMC
May 25, 1978

Statement by
H. NAKAMURA
Vice-Chairman
of
North Pacific Longline-Gillnet Association
(Japan)

at North Pacific Fishery Management
Council's 15th Plenary Session

May 25 - 26, 1978

Mr. Chairman, Distinguished Members
of the Council, Ladies & Genelemen:

My name is H. Nakamura, and I represent the Japanese Longliner's Association, its membership's livelihood solely dependent upon fishery resources in this part of the Pacific Ocean, within the Fishery Conservation Zone of the United States.

Nevertheless, on reviewing the contents of the Federal Register issued on April 21, this year, which publisizes proposed rules for FMP on the Groundfish of the Gulf of Alaska and its supporting regulations, the members of the Association felt

they simply must bring several points which cause their serious concern to the attention of the Council here, as well as the Competent Authority of NFMS, Department of Commerce, in Washington, D.C.

7.0 FAC (FMP), 611.92(b)(1) Talffs and National Allocation (Reg.)

In order for orderly development of our fishing plan, we need to share equitably such catch quota with reasonable leetime.

This year we made plans around PMP and regulations implementing the plan for foreign fishing that were issued on November 28, 1977, and allocation received in mid-May. Even that required considerable adjustments for the members of the Association and we are now threatened with further adjustments because of the imposition of FMP which affects the catch quota and regulations, as well as areas of operation.

(1) Sablefish (Blackcod)

We are aware that MSY for Sablefish for 1978 was estimated in the range of 22,000 to 25,000 mt., and EY between 17,400 and 19,800 mt., while OY is set far below this level. We are not really convinced of the validity of reducing the OY from that level down to 13,000 mt., and in this regard we seriously doubt whether such large departure from the level of EY for setting

OY would really be the true intent of the Fishery Conservation and Management Act. Therefore, we would request (1) that FAC of Sablefish for 1978 be maintained at least at the level of 8,000 mt., as has been determined under PMP instead of reducing it further, down to 6,400 mt. as indicated in FMP regulations; (2) Sablefish FAC for 1979 be increased to 19,500 mt., the same as that of 1977.

(2) Pacific Cod

At the 14th Council meeting, it was unanimously agreed and recommended by the Council to work out technical adjustments to the Gulf of Alaska Groundfish FMP for accomplishment of an increase in the combined TALFF and reserve from 6,230 mt. to 7,600 mt., by:

- (a) making the reserve and TALFF from all of Chirikof and Shumagin available to the longline fishing west of 157° West;
- (b) immediately releasing the reserve for Pacific Cod in these two areas for allocation to the foreign longline fishery;
- (c) assign shortfall, if any, of DAH for Pacific Cod after reassessment of DAH in August.

Finally, the Council noted that certain species that occur at depths greater than 500 m. that, by domestic action, could be made available to Japanese longliners to further help them replace our lost herring and sablefish catches.

It is our sincere wish that these adjustments recommended by the Council will be taken into account at Federal Governments so enough Pacific Cod and other species to cover the loss in our fishing be made available to us.

One other concern is that right in the area designated for Pacific Cod longlining, west of 157° West, shallower than 500 m. isobath, lies one of the closures proposed in FMP and Regulations, such as "Davidson Bank".

(3) Closed Areas

8.3.21 D(1) and 611.92(d)(i)(iv)

A. The forthcoming FMP regulations close all foreign fishing year-round in the areas specified which, to the Japanese longliners, means losing just about 40 percent of their fishing ground prior to 1977 in the Gulf.

"Davidson Bank," between 163°04' & 166°00' W. Long., north of 53°0' N. latitude, has recently been made open to longliners with the amendment to PMP and its implementing regulations on January 18, 1978, and we would like to see that in FMP; also, the current amendment for opening this area continues to be effective on the grounds that:

(1) Planning has already proceeded around the PMP which authorized Davidson Bank, but now the danger exists of the area being closed because of the Sanctuary.

(2) Longlining being the best method for conservation of fishery resources, the opening of this area to longliners

would not affect the future development of U.S. fishing industry.

8.3.21 D(1) (a) and 611.92(c)

B. Under PMP and its Regulations, the area "In the Gulf of Alaska between 169°00' W. longitude and 170°00' W. longitude between three and twelve nautical miles from the base line used to measure the territorial sea" is open for foreign fishing. Since (1) the location in the Gulf involves little gear conflicts, and (2) beyond 12 miles in the area the bottom is too deep for longlining; therefore, between 169° W. and 170° W., we request permission to operate in the four to twelve mile zone as was permitted in PMP.

8.3.21 D(3) (a) and 611.92(d) (3) (i)

C. Southeastern: Whereas, east of 141° W. longitude is closed to foreign longline fishing year-round, we would request that, as in the years prior to 1977, this area be opened for foreign longlining.

(4) Area Allocation According to Statistical Areas

8.3.21 A and 611.92(b) (1) 3

According to the FMP, OY's are apportioned by five statistical areas in the Gulf of Alaska; that is, Shumagin, Chirikof, Kodiak, Yakutat, and Southeast. The wording on area allocation reads "The FMP and proposed regulations establish

OY's and TALFF's for each groundfish species in each of five major statistical areas. The purpose of allocation by statistical areas is to avoid the overfishing of local stocks which has taken place in the past."

We wish to express the following views on this topic, both from biological and operational perspectives:

Biological Perspective: According to Japanese scientists, the blackcod resource in the Northeastern Pacific and the Bering Sea are related and of one unit stock. For the Gulf of Alaska alone, we do not see the need to apportion blackcod OY by areas. Even the FMP does not say that there are several stocks in the Gulf of Alaska. There is apparently mixing of blackcod between all the areas. Also, from past catch trends, the Japanese longline fishery has operated in most areas of the Gulf and has spread out its fishing effort. The CPUE data by small statistical blocks for the past few years show that local overfishing has not been occurring. We will continue to spread out our longline fishing effort to avoid local overfishing and, from an operational point of view, in order to avoid gear conflicts.

Operational Perspective: The longline gear we use are spread over a very long distance and wide area. Therefore, when catch quotas are imposed by the five statistical areas, it will make it operationally difficult to fish.

(5) 8.3.21 B and 611.92(b)(2)(iii)

The FMP and regulations limit catches of allocation for all species combined by foreign nations to less than 25% during the periods from Jan. 1 - May 31 and Dec. 1 - Dec. 31 combined, in the Gulf of Alaska. (1) In view of existing stringent regulatory measures to protect and rehabilitate halibut resources through area-time, depth contour restrictions, no additional restriction seems to be required; (2) our past records (1975 - 1977) show the catch during December 1 to May 31 comprise more than 40 percent of annual catches. It would therefore be unthinkable to limit our catch to less than 25 percent by our vessels during the corresponding period. What is more, wouldn't such restriction lead to catches far short of FAC? We request that Japanese longline be exempted from the provision

(6) Sections 8.3.21 D(3)(b) and 611.92(d)(3)(ii) close "East of 157° W. longitude and landward of the 500 meter depth contour." We request relaxation of the depth contour closure to, for example, 400 meter depth contour, which we believe would involve low incidental catch rate of halibut and, of course, little gear conflict with U. S. fishermen. We might point out, further, that incidentally-caught halibut are released at the boatside, and mortality is kept extremely low.

(7) In Section 611.92, Regulation (2)(ii)(A) reads that "The taking of any species for which a nation has an allocation is permitted, provided that optimum yield (OY) has not been reached." It further stresses that "if the Regional Director determines that the OY for any species in any statistical area has been reached, all fishing in that statistical area by any vessel subject to this section must terminate even if national allocations or OY's for other species have not been reached."

According to this regulation, we can envision the following situation:

If rockfish quota of, say, 1,000 mt. was reached by a trawl fishery by March, then the blackcod fishery will not be permitted in the same statistical area, even if (a) blackcod fishing has not started, and (b) blackcod quota has not been reached. If we keep in mind that the blackcod line fishery is quite different from the trawl fishery, then this will be an unreasonable restriction on the blackcod line fishery. It is obvious that this type of regulation accomplishes no conservation objectives.

I hope it is not the intent of the North Pacific Regional Fisheries Council to have the regulation implemented this way. Therefore, we propose (1) that the Council clarify the intent of its regulation so that the wording of the regulation can be properly written. Furthermore, we propose (2) that the

Council distinguish between the longline and the trawl fisheries, and allocate fish catches according to these fisheries, for we believe, not only in conservation, but also in full utilization of the resources.