



DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

AGENDA ITEM E-3 11/11
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REPORT TO THE NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL
CONCERNING COAST GUARD FCMA ENFORCEMENT

1. Recent FCMA Infractions. One report of violation (civil penalty procedure) and one citation (written warning) have been issued since the last council meeting. In addition, one foreign fishing vessel was seized for FCMA infractions. A brief summary of each infraction follows.

a. 04 October. USCGC JARVIS issued a citation to the Soviet stern trawler KALITVA for an inaccurate transfer log.

b. 18 October. USCGC MUNRO seized the Japanese stern trawler EBISU MARU No. 38 for gross underlogging of its catch.

c. 20 November. USCGC MELLON issued a report of violation to the Japanese stern trawler TOMI MARU No. 53 for failure to maintain an accurate daily cumulative catch log.

- Enclosure:
- (1) Summary of F/V EBISU MARU No. 38 Seizure
 - (2) Updated status of 1979 FFV seizures
 - (3) Coast Guard Patrol Effort
 - (4) Analysis of Boardings and Enforcement Incidents
 - (5) Surveillance Standard Analysis for Independent Fishing Vessels
 - (6) Boarding Standard Analysis for Independent Fishing Vessels
 - (7) Critical gear conflict
 - (8) Factory vessel boardings

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SUMMARY OF THE SEIZURE OF THE JAPANESE
STEEL TRAWLER EBISU MARU NO. 38

The EBISU MARU NO. 38 was boarded on 15 October by crewmen from the USCGC MUNRO approximately 18 NM north of Amakta Island. The boarding party discovered an underlogging of about 48 MT of fish onboard. A mislogging of fish by species was also suspected. The vessel was seized and escorted to Kodiak arriving on 26 October.

The case has been turned over to the U.S. Attorney in Anchorage for prosecution.

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STATUS OF FISHERIES CASES

Following information is forwarded as an update on the status of serious fishing violations which occurred during the past year.

1. TSUDA MARU (JA) seized by MORGENTHAU on 26 JAN 79 for underlogging and improper reporting of species, released on 350,000 dollars bond. Case still pending.

2. FUKUI MARU No. 8 (JA) seized by MORGENTHAU on 19 FEB 79 for underlogging and improper reporting of species released after paying a settlement of 225,000 dollars.

3. KAIYO MARU No. 53 (JA) seized by STORIS on 4 JUN 79 for underlogging and retention of prohibited species (halibut) released on 250,000 dollars bond. Case still pends.

4. DONG WON 31 (KS) seized by MUNRO on 21 JUN 79 for gross underlogging. Reduced to ROV upon receipt of new information and released. Administrative penalty pending.

5. HIGHLY 301 and 302 (TW) seized by MORGENTHAU on 20 AUG 79 for gross underlogging released after paying a combined settlement of 500,000 dollars.

6. FUKUYOSHI MARU No. 8 (JA) seized by CONFIDENCE on 28 SEP 79 for gross underlogging, released on 300,000 dollars bond. Case still pends.

7. SEO YANG HO (KS) seized by JARVIS on 9 OCT 79 for gross underlogging. Bond hearing pending, currently moored in Kodiak.

8. PUNG YANG HO (KS) seized by JARVIS on 9 OCT 79 for gross underlogging. Bond set at 250,000 dollars, but not yet released, currently moored Kodiak.

9. EBISU MARU No. 38 (JA) seized by MUNRO on 17 OCT 79 for gross underlogging. Released on 300,000 dollars bond. Case still pends.

COAST GUARD PATROL EFFORT (1979)

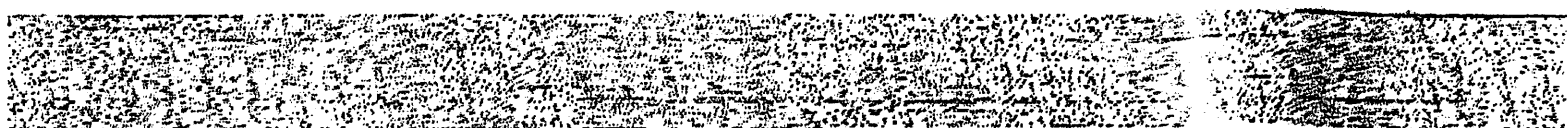
	CUPTER PATROL DAYS	AIRCRAFT PATROLS HOURS	MILES PATROLLED	FISHING VESSEL IDENTIFICATIONS							TOTAL	FISHING VESSEL BOARDINGS						TOTAL
				JA	KS	PL	TW	HX	UR	JA		KS	PL	TW	HX	UR		
JANUARY	32	67	29848	161	58	0	3	0	31	255	4	7	0	0	0	0	11	
FEBRUARY	29	128	16920	320	24	0	6	2	57	409	6	2	0	1	0	6	15	
MARCH	31	176	24071	257	31	3	4	8	77	380	2	0	0	0	2	6	10	
APRIL	31	170	32044	448	71	22	4	0	19	568	23	9	2	0	0	1	35	
MAY	33	162	27440	514	72	23	0	2	8	625	36	6	1	0	0	3	46	
JUNE	48	131	53997	643	96	21	0	10	30	820	25	7	1	0	2	7	42	
JULY	32	153	43144	684	104	19	3	18	68	894	11	1	0	0	1	9	18	
AUGUST	31	146	24473	440	61	16	2	12	62	593	10	5	1	2	2	0	20	
SEPTEMBER	45	102	14878	360	38	9	0	11	25	443	16	1	1	0	0	0	18	
OCTOBER	34	141	35755	568	76	148	0	21	115	929	16	7	2	0	1	2	26	
NOVEMBER	33	136	37491	629	90	147	0	22	131	1023	3	1	0	0	0	0	4	

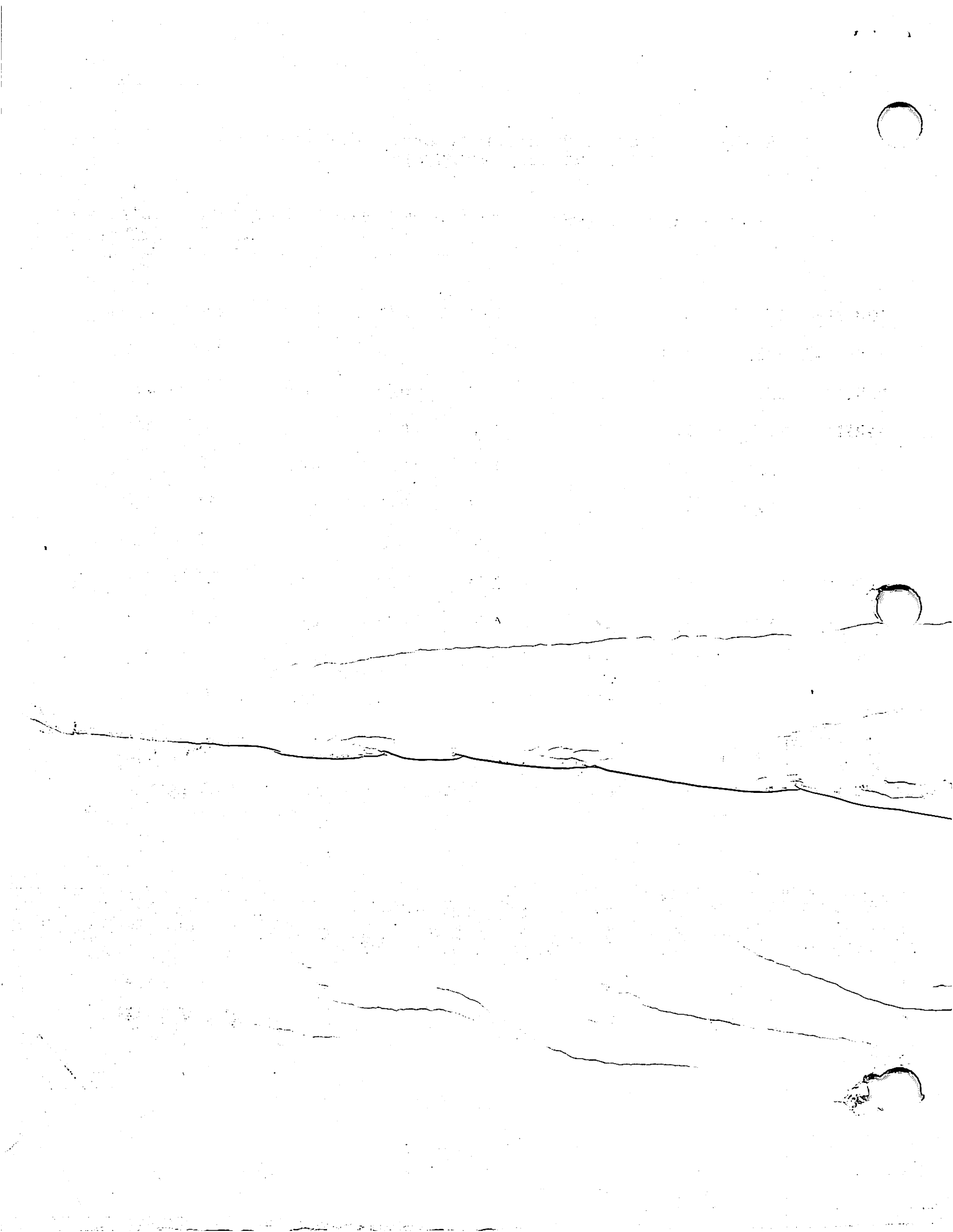
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ANALYSIS OF BOARDING AND ENFORCEMENT INCIDENTS
(BOARDINGS/INCIDENTS) *

	JAPAN	USSR	S. KOREA	POLAND	TAIWAN	MEXICO	ALL	#BOARDINGS RESULTING IN INCIDENT
JANUARY	4/1	0/0	7/1	0/0	0/0	0/0	11/2	183
FEBRUARY	6/1	6/0	2/1	0/0	1/0	0/0	15/2	138
MARCH	2/1	6/1	0/0	0/0	0/0	2/0	10/3	333
APRIL	17/1	1/0	7/0	2/0	0/0	0/0	27/1	034
MAY	35/2	3/0	6/0	1/1	0/0	0/0	45/3	074
JUNE	25/2	7/2	7/2	1/0	0/0	2/0	42/6	144
JULY	11/1	5/1	1/0	0/0	0/0	1/0	18/2	113
AUGUST	10/1	0/0	5/0	1/0	2/2	2/0	20/3	153
SEPTEMBER	17/3	0/0	1/0	1/0	0/0	0/0	19/3	153
OCTOBER	16/1	2/1	7/0	2/0	0/0	1/0	28/2	073
NOVEMBER	3/1	0/0	1/0	0/0	0/0	0/0	4/1	253
CUMULATIVE TOTAL	1467/15	30/5	44/4	9/2	3/2	8/1	239/28	123

*NOTE: DOES NOT INCLUDE INFRACTIONS DETECTED BY MEANS OTHER THAN BOARDINGS





SURVEILLANCE STANDARD ANALYSIS
FOR INDEPENDENT FISHING VESSELS

TIME PERIOD	NUMBER OF F/V ON GROUNDS FOR ENTIRE PERIOD	NUMBER F/V ON GROUNDS FOR ENTIRE PERIOD THAT WERE SIGHTED	%SIGHTED
28 MAY - 10 JUN 79	131	105	80
04 - 17 JUN 79	133	109	82
11 - 24 JUN 79	155	108	70
18 JUN - 1 JUL 79	121	96	79
25 JUN - 8 JUL 79	124	124	100
2 JUL - 15 JUL 79	143	123	86
9 - 22 JUL 79	143	116	81
15 - 29 JUL 79	139	108	78
23 JUL - 12 AUG 79	142	111	78
JUL - 12 AUG 79	139	104	75
6 - 19 AUG 79	127	101	80
13 - 26 AUG 79	120	97	81
29 AUG - 2 SEP 79	112	86	77
27 AUG - 9 SEP 79	112	70	63
3 SEP - 16 SEP 79	145	107	74
10 SEP - 23 SEP 79	146	115	79
17 SEP - 1 OCT 79	152	105	69
24 SEP - 7 OCT 79	147	110	75
1 OCT - 14 OCT 79	131	93	71
8 OCT - 21 OCT 79	132	94	71
15 OCT - 28 OCT 79	139	113	81
22 OCT - 4 NOV 79	124	110	89
OCT - 11 NOV 79	122	104	85

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NOV - 18 NOV 79	111	72	65
12 NOV - 25 NOV 79	106	82	77
19 NOV - 2 DEC 79	83	51	61

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BOARDING STANDARD ANALYSIS FOR INDEPENDENT FISHING VESSELS

<u>MONTH</u>	<u>GOAL</u>	<u>ACTUAL BOARDINGS</u>	<u>ACHIEVED</u>
JANUARY	30	11	36%
FEBRUARY	47	15	32%
MARCH	46	10	22%
APRIL	42	27	64%
MAY	47	45	94%
JUNE	52	42	81%
JULY	56	18	32%
AUGUST	55	19	35%
SEPTEMBER	57	18	32%
OCTOBER	57	28	49%
NOVEMBER	47	4	8%
CUMULATIVE TOTAL	536	237	44%

NOTE: BOARDINGS GOAL IS TO BOARD EVERY INDEPENDENT FISHING VESSEL ONCE PER QUARTER ON THE AVERAGE

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CHIRIKOF GEAR CONFLICT

Early in October, U.S. fisherman began complaining that foreign fishing vessels were operating in the midst of their crab gear, south and west of the Chirikof Islands. On 13 October, CGC CONFIDENCE patrolled through the area and was unable to conduct any boardings due to weather. Very little crab gear and no American vessels were sighted. Aircraft patrols were being conducted daily. Unfortunately, information from the fisherman regarding identification of the foreign ships and location of the U.S. gear was very scanty. This situation continued until 24 October when the foreign fleet, by this time identified as Polish, departed the area voluntarily as a result of a Notice to Mariners issued on 23 October which contained the boundaries of the area being fished by the American crabbers.

The foreign fishing regulations do not forbid foreign fleets from fishing in the vicinity of U.S. fixed gear in Alaska. Rather, the wording only requires that fishing be done in such a manner as to avoid fixed gear. From the standpoint of enforcement, this is a very frustrating situation because it gives the enforcer no regulation to enforce. We are unable to direct any action toward a foreign vessel who is fishing near American fixed gear unless he is actually sighted running over that fixed gear. There are simply not enough patrol units available to continually patrol all the American fixed gear in the Bering Sea or Gulf of Alaska. Nor is such an action practical. About all that can be done now is to assist the fisherman in preparing a claim to be filed with the Soviet or Polish Fisheries Claims Board or with the Department of Commerce for settlement through the Fisherman's Protective Act.

Another factor which proved frustrating was difficulty we experienced in gathering data from the U.S. fishermen. To this date, accurate information about the numbers of pots lost, the locations of American gear and the foreign ships actually sighted fishing through U.S. gear is incomplete. For obvious reasons, the American fishermen are unwilling to divulge the location of their fixed gear which makes it very difficult to advise foreign fleet commanders of the location of American gear. The situation was further complicated by unusually high tides and very bad weather. It is difficult to determine if gear was lost to nature or to the Polish fleet. Our desire throughout the incident was to try to displace the foreign fleet from the area of the U.S. fixed gear. Without accurate position information and specific numbers on the amount of gear in an area, it is impossible to achieve satisfactory results. As previously stated, there is very little action possible on the basis of the existing foreign fishing regulations.

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FACTORY VESSEL BOARDINGS

As reported at the last council meeting, the Coast Guard and NMFS conducted a special operation in late September wherein an attempt was made to completely inventory the large Japanese surimi factory vessels working in the Bering Sea. The operation proved to be quite successful. While some difficulties were encountered, the end result of the boardings was a pretty firm determination that the factory ships are accurately reporting their catch. The most difficult facet of the entire operation proved to be trying to account for fish that was already transferred. We currently receive no report of how much fish is transferred or to whom it is transferred. As a result it is very difficult to know where to begin in the catch log to conduct an inventory. Also, it is possible to transfer more fish than is logged in the transfer log, which permits a vessel to make up the difference over the next few days as unreported catch. There is no evidence that this is being done at present, but it is a possibility. For the present, we are satisfied that the factory ships are running a reasonable legitimate operation. I fully expect we will conduct similar operations again.