

WESTERN ALASKA

COOPERATIVE MARKETING ASSOCIATION

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BOX 213 . . . DILLINGHAM, ALASKA

To: Jim Branson

From: Truman C.Emberg

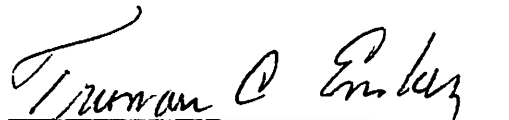
Date May 27,1981

Subject: Review of MFCMA,etc.

This subject was discussed by the Council during its April meeting.

It is not an agenda item for the May meeting.

I am submitting the enclosed statment on this subject for the record with the request that copies be distributed to Council, SSC and AP members.

  
Truman C.Emberg  
Business-Manager, WACMA

May 27, 1981

ON FEDERAL CONTROLS OVER FISHERIES FOR SALMON IN STATE AND  
INTERNAL WATERS.

The following quote is excerpted from the Branson memorandum of April 30, 1981, addressed to Council, SSC and Ap members.

" Is foreign processing in state and internal waters affected by MFCMA? If not is it a proper area for federal control or legislation?"

Reserving comment on the larger question of jurisdiction over such foreign processing under MFCMA, as a representative of fishermen who have a vital interest in the issues posed by those questions, I submit the following statement.

A proposal to regulate the processing of salmon by Japanese processors within state and internal waters under authority established by MFCMA presents many elements not germane to the exercise of that authority over such processing by other foreign nationals.

With respect to Japan, I submit that the MFCMA can not properly be invoked for that purpose.

Under the INPFC the regulation of Japan's salmon fishery within the U.S. Fishery Conservation Zone is vested in the Tri-partite International Commission whose writ extends over all waters, excepting the territorial seas, of the North Pacific Ocean and the Bering Sea. That regulation is implemented through domestic measures imposed by Japan pursuant to recommendations forwarded by the Commission. If <sup>F/</sup>MCMA, as enacted, had remained in force,

the United States would exercise exclusive jurisdiction over Japan's salmon fishery within our FCZ and over Japan's salmon fishery utilizing salmon of U.S. origins beyond the zone. Two other nations, with the power of veto, must give their consent before recommendations for regulatory measures can progress above the Commission level. Obviously, MFCMA does not apply.


MFCMA, as enacted, asserted a preferential, even exclusive, right of U.S. nationals to fish resources within the U.S. FCZ. Under INPFC, Japan annually takes thousands of metric tons of salmon within our zone in waters where it is illegal for U.S. nationals to fish for salmon. Obviously, MFCMA does not apply.

Under MFCMA the North Pacific Council would have the duty to devise a Fishery Management Plan for the salmon resources within its jurisdiction which would apply to both foreign and domestic fisheries. Now, after several years, Japan's salmon fishery within our zone is subject only to a Preliminary Management Plan. Obviously, MFCMA, as enacted, does not apply.

Given the foregoing and other considerations the U.S. national who fishes salmon commercially in Western Alaska, views with alarm the prospect that the federal regulatory regime for salmon be extended to manage his fishery within state and internal waters.

The Western Alaska Cooperative Marketing Association which represents 330 resident Bristol Bay fishermen, viewing the terrible violence done to MFCMA through the process of amendment

by inference, opposed the federal pre-emption of management authority over our salmon resources within state and internal waters. We believe MFCMA has never applied to management of those resources, and that federal authority over domestic salmon fisheries under the North Pacific Fisheries Act, as amended stops at the seaward limit of the territorial sea. And, to conclude, we believe that any attempt to control foreign processing of salmon in state and internal waters through new legislation, state or federal, should recognize the interests, not only of the processors, but of the fishermen as well.

  
Truman C. Emberg  
Business-Manager, WACMA