

January 28, 1977



DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

Address reply to:
COMMANDER
Coast Guard Pacific Area
630 Sansome St.
San Francisco, Calif. 94126

OIL			
ASST OIL	X		
MAR LAW			
SEC MAN			
SS/A			
S/A			
YNI			

Pol
16214
10 JAN 1977

From: Commander, Pacific Area
To: Commandant (G-O)

Subj: Draft DOC Regulations, Comments concerning

1. In accordance with references (a) and (b) the following comments on the Department of Commerce draft foreign fishing regulations which appeared in the Federal Register on 23 DEC 76 are provided.

a. Para 611.2 Definitions

(1) Area over which the U. S. exercises exclusive fishery management authority:

Sub-para (2) following "migratory range of" insert "each such species" This phrase apparently dropped in printing.

(2) Vessel days on the grounds:

Use of phrase "catcher-vessels" could lead to misunderstanding since not defined. Recommend it be defined.

b. Para 611.4 Vessel Reporting

Para (a) which directs a FF/V master to "Check-in", does not adequately cover the needs for enforcement. The following is provided for consideration:

(1) How will the areas be described in the permits?

It is felt that using the standard INPFC statistical reporting areas might be appropriate but these areas overlap NMFS Regional boundaries, do not conform to open fishing areas and do not include all U. S. Waters to the Mexican border.

(2) The foreign F/V is not required to report entering the 200 mile FCZ or the primary fishing area. It is recognized that vessels in innocent passage are not required to report entering or leaving the FCZ. However, it is recommended that reporting requirements for foreign F/V with permits to fish in the U. S. 200 mile FCZ be changed as follows and a standard format be developed.

(a) Report 24 hrs prior date, time, location (Lat/Long) entering and departing US 200 mile FCZ.

(b) Report 24 hrs prior date, time, location (lat/long) and fishery, commencing and terminating fishing activity in designated area authorized by permit.

(3) There is a need to denote the geographical limits related to the West Coast of the U. S. of the Eastern Pacific

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and Northeastern Pacific Ocean so that FF/V masters will know to which NMFS director to address their messages. This could be accomplished by using 42°N as the dividing line.

c. 611.7 Prohibitions

It is felt that prohibitions against pollution should be included. Recommend add following Sub-Paragraph (a) (8):
Except in case of force majeure it shall be unlawful for any vessel to dump into the sea any article or substance which may interfere with fishing or obstruct or cause damage to fish, fishing gear, fishing vessels or marine mammals.

d. The enforcement authority of the authorized officer is not referred to. Although it is unnecessary to restate the authority vested in the authorized officer by other statutes, the action that the officer may take upon discovering a violation of this particular act should be included. These actions include seizing the vessel, seizing any fish or other evidence and issuing a citation. Another omission of penalties can be found in section 611.9. The omitted paragraph provided for temporary suspension or permanent revocation of the vessel's permit if the required logbook is not maintained or the proper reports were not provided to the director. Without including penalties and sanctions in the act, the act will lack the teeth needed to enforce it. These penalties should be specified, for the benefit of both the foreign fishing vessel and the enforcing agency.

e. Subpart B Surpluses para 611.20 allowable level. The table in para (b) does not include the Jack Mackerel 4000 mt which is shown in para 611.70(B)(I) as an allowable catch quota.

f. Subpart E of part 611(i)

11.70(b) Catch quota and effort limitation.

The following change was recently recommended by the Pacific Regional Fishery Management Council:

(1) Change: Pacific Ocean Perch to	1%
Flounders	0.5%
Sablefish	0.25
Jack Mackerel	4000 mt
Other	1%

(2) 611.70(c) Open Season-

Recommend add sentence to allow for the directed fishery for the surplus Jack Mackerel listed in Para (b)(1) and to coincide with hake season opening as follows; "The open season for Jack Mackerel shall begin at 0001 hours 1 June 1977 and terminate at 2400, 31 Dec 77 or upon reaching the catch quota whichever occurs first."

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10 JAN 1977

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(3) 611.70(d) Closed seasons and areas.

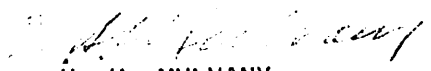
(a) 611.70(d) No provision has been made to exclude foreign fishing inside 12 miles from U. S. Coast. The following change is recommended: Start new sub-paragraph (2)(i) and reletter all paragraphs. Insert the following, " (i) Landward of a line measured 12 miles seaward from which the territorial sea is measured."

(b) 611.70(d)(2) Based on the recommendation of the Pacific Regional Fisheries Management Council, recommend foreign fishing be prohibited south of 39°00'N to protect the domestic Jack Mackerel fishery. Existing wording of Para (2) (ii) read "US- Mexico boundary to 39°00' North.

(c) 611.70 (d)(2)

To keep the vessels that could participate in the hake fishery out of the hake fishing grounds recommend the following new sub-paragraph be included: "(v) During the period from 0001 hours 1 Nov 1977 to 2400 hours 30 May 1978 landward of 125-40W"

g. The FF/V permit form should be reviewed to insure consistency with the published regulation.


H. H. MULVANY
By direction

Encl: (1) CCGD ELEVEN ltr 16214 dtd 22 Dec 76
(2) CCGD TWELVE ltr 16214 dtd 4 Jan 77
(3) CCGD THIRTEEN MSG 052217Z JAN 77

Copy to:
CCGDELEVEN (o)
CCGDTWELVE (o)
CCGDTHIRTEEN (o)
CCGDFOURTEEN (o)
CCGDSEVENTEEN (o)



DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

MAILING ADDRESS:
COMMANDER (o)
ELEVENTH COAST GUARD DISTRICT
UNION BANK BLDG.
400 OCEANGATE
LONG BEACH, CA. 90822

16214
22 December 1976

From: Commander, Eleventh Coast Guard District
To: Commander, Pacific Area, U.S. Coast Guard (Po)

Subj: Draft DOC Regulations; comments concerning

Ref: (a) COMDT(G-000-4/74) 16214 (5921/1) dtd 10 DEC 76
(b) COMPACAREA(Po) 16214 dtd 10 DEC 76

DEC 1976
For information
to be taken
to Francisco, Calif.

1. The Draft Department of Commerce regulations for implementing the Fishery Conservation and Management Act of 1976 was reviewed and comments are submitted herewith.

2. Subparagraphs refer to the Draft NMFS (F31):

a. 611.1 Continental Shelf. Suggest rewording of "to where the depth of the superadjacent waters admit of the exploitation of the natural resources of such areas" to read "to where the depth of the superadjacent waters prohibits (or does not prohibit) the exploitation of ...".

b. 611.70 (d)(2)(ii) Washington, Oregon, California Trawl Fishery. This paragraph describes an area where fishing by foreign fishing vessels is prohibited at all times. The southern boundary of the area is 32°30'N 120°00'W landward to U.S. - Mexican boundary. This line bisects a traditional abalone fishing ground which at present is fished by both U.S. and Mexican fishing vessels. The new boundary is bound to create enforcement problems, and it would appear much more simple to extend the area southward to include all of Cortez Bank north of Bishop Rock (32°-26'N), buoy, to avert conflicts.

3. On the subject of U.S. - Mexican maritime boundary west of the U.S. - Mexican land border, clarification is requested on whether the U.S. 200 nautical mile limit from the baseline will extend south of 32°-30'N down to meet the Mexican 200 mile Economic Enforcement Zone. Since the Mexican 200 mile EEZ goes sharply southwesterly from a point 30 miles due west of the U.S. - Mexican land border, we are left with a pie shaped area between our line 32°-30'N extended westward 200 miles and their 200 mile EEZ boundary which is certain to pose jurisdictional questions if left unanswered.

D.C. Thompson
D.C. THOMPSON

	P	Pd	Po	Posr	Pom	Lab	Pol	Pr	Prp	By direction				Pi	Pt	Psp	Admpg
										Pri	Pim	Piml	Ptma				
ACT																	
INFO																	
FILE																	

Check that they complied with COMDT
24 DEC 76

RECORDS SECTION
ACTION, INFORMATION COLLECTION
DIVISION

3 JAN 11 1977 252

Advises those interested in this report
Additional info and files available
This ID card required

CF DE SS

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R 052217Z JAN 77
FM CCGD THIRTEEN SEATTLE WA
TO COMPACAREA COGARD SAN FRANCISCO CA
CG GRNC
BT
UNCLAS
O TO POL
DRAFT DOC REGS FOR F/F UNDER FCMA
A. COMDT G-000-4 LTR 16214 OF 10 DEC 76
1. SECTION 611.4 OF THE DRAFT REGULATIONS DOES NOT REQUIRE
FF/V/S TO REPORT THAT THEY ARE ENTERING THE FCZ TO ENGAGE IN
FISHING. THE SECTION ONLY REQUIRES THAT THE VESSEL REPORT
24 HOURS PRIOR TO ENGAGING IN A FISHING ACTIVITY. AS A
RESULT FF/V/S MAY LOITER IN THE AREA WHICH WILL CAUSE CONCERN
TO OUR DOMESTIC FISHERMEN AND WILL FORCE THE COAST GUARD TO
MONITOR THEIR ACTIVITIES TO ENSURE THAT THEY ARE NOT FISHING.
2. IT IS RECOMMENDED THAT FF/V/S BE REQUIRED TO REPORT THEIR
INTENTION TO ENTER THE FCZ AT LEAST 24 HOURS PRIOR TO ENTERING
AND AT THE TIME OF ENTRY. SUCH REQUIREMENT SHOULD BE INCLUDED
IN THE FINAL REGULATIONS AND ON THE FOREIGN FISHERY PERMITS.
3. LTR RESPONSE TO REF A FOLLOWS.
BT
05/2220Z JAN S A R P A C

OSD	HPS	SPG
DPA	MEP	POS
DL	DC	POH
DI	OAN	POL
DK	OIL	PR
E	OR	PTM
F	OSR	PTML
H	P	PI
O	R	PI
B	CPA	PDYN
	RCC	PPA

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Subj: Draft DOC Regulations; comments

5. In section 611.70(f) of reference (b), each nation is required to submit a statistical report. In this report, vessel days and catch are to be reported for the following areas: Conception; Monterey; Eureka; Columbia; and Vancouver. In order that the reports be accurate, these areas should be more specifically defined by degrees of latitude.


T. L. GANNAWAY
By direction