EXECUTIVE DIRECTOR'S REPORT

Many of the items usually found in the special reports section of a Council meeting agenda have either been deferred at this meeting because of the short time since we last met and heard reports from the Coast Guard, NMFS and the Alaska Department of Fish and Game, or incorporated in the Director's report. I've also incorporated some of the items under Fishery Management Plans since they are only status reports.

I'm sure you're all aware that Jim Glock has moved to Portland to go to work as the Chief Staff Assistant for the Pacific Fishery Management Council. We have hired Denby Lloyd to replace him on this Council's staff. Denby comes to us from several years with the Alaska Department of Fish and Game; he's well known by many of the people in the industry, particularly from Kodiak where he worked for some time. We all look forward to working with him. You'll have an opportunity to see a good bit of him at this meeting since he will be responsible for presentations on the Bering Sea and Aleutian groundfish plan.

Tanner Crab and Crab FMPs

The Crab Plan Workgroup, chaired by Larry Cotter, expects to meet in Seattle the first week of March. The plan team will have a first draft of a Bering Sea/Aleutian Crab FMP for them to look at at that time. It may be possible to have that draft available for Council review in March, although I would expect that full Council review in May is more likely. May review will still allow a plan to be developed and ready for next year's amendment cycle, as you directed.

You will recall that the King Crab FMP, developed in cooperation with the Alaska Board of Fisheries, calls for an annual joint public hearing in Seattle on shellfish regulations. You need to decide at this meeting whether there should be a public hearing and, if so, when. It's unlikely that it can be a joint hearing with the Board of Fisheries because it's very possible there will not be an organized Board of Fisheries by mid-March and even if there is, the Board is unlikely to consider any of the State shellfish regulations this year. If the Council wishes to have a public hearing it might be the most efficient to hold it as part of the crab workgroup meeting I've already mentioned. The timing and subject matter is certainly appropriate.

The Secretarial amendment to repeal the Tanner Crab FMP is now in Washington undergoing review. It was submitted as a complete package by the Region some time ago. The Region expects that it will be approved sometime within the next few days and probably go to the <u>Federal Register</u> for publication as a proposed rule by the first of February. It then goes through a 60-day comment period (this is the period during which the Council may comment) and will be published as a final rule around the end of March. It's expected to be in effect well before the emergency rule suspending the regulations expires on April 29.

187/BF -1-

Status of Salmon FMP

The Region is continuing their rewrite of the Salmon FMP. A draft document, when completed, will be sent to the rest of the team members for comment and input. There is no schedule for initial submission to the Council. There appears to be little chance that there will be any problems with the existing FMP through 1988 at least. That and the press of work on other FMPs make it unlikely that we will be able to expedite this plan rewrite.

Groundfish Bycatch Workgroups

A single groundfish bycatch workgroup has been organized to cover both the Bering Sea and the Gulf of Alaska. They expect to have their first meeting Friday, January 23, probably in this room. The workgroup is chaired by Larry Cotter and is comprised of: Bill Woods, Barry Fisher, Arni Thompson, Rich White, Bob Alverson, Ted Evans, Chris Blackburn, Ed Fuglvog, Harold Thompson and Bill Jacobson. Ron Rogness is staffing this workgroup and he will have details of meeting place, time and agenda.

Legislative Update

A bill concerning the use of driftnets within the U.S. EEZ has been filed in the Senate by Senator Stevens. It is essentially the same as the bill he proposed last session.

Congressman Young has introduced a bill prohibiting reflagging, again very similar to the one he introduced last session with some new language on manning requirements. Copies of both bills are under this tab [item B-1(a)].

Council Chairmen's Meeting

The Council Chairmen's Meeting is going to be in San Juan February 25-27. We have sent them some items for the agenda; they're included as item B-1(b).

NMFS Recommendations on Foreign Allocations and Initial Foreign Allocations

Agenda item B-1(c) is a breakdown by country and species of the initial foreign allocations. The NMFS recommendation to the Department of State was in complete accord with that made by the Council in December, i.e. 77% to Japan, 22% to Korea, and 1% to the People's Republic of China. The State Department followed that recommendation as well as the recommendation by the Council to release mostly codfish to Japan so the longline fleet could make a trip during the first quarter of the year.

MEMORANDUM

TO: James O. Campbell, Chairman

Jim H. Branson, Executive Director

FROM: Ron Miller Will

Special Advisor

DATE: January 15, 1987

SUBJECT: S. 62 - The Driftnet Impact Monitoring, Assessment, and Control Act

of 1987 and H.R. 438 - Reflagging Legislation

On January 6, 1987 Senator Stevens introduced the above-referenced bill (copy attached) to improve efforts to monitor, assess and reduce the adverse effects of foreign driftnets on marine life. This bill is essentially the same legislation Senator Stevens introduced on June 26, 1986, S. 2611, that was not moved in the last Congress. Key provisions of the bill are:

- 1. an amendment to Section 201 of the MFCMA requiring U.S. observers on Japanese salmon vessels fishing in the U.S. EEZ under the aegis of the INPFC and prohibiting issuance of foreign fishing permits for vessels deemed unsafe for the carriage of U.S. observers. S. 2611 required observers on all Japanese salmon vessels in the EEZ, but S. 22 allows the Secretary of Commerce to require less than 100% observer coverage if the Secretary places at least two observers aboard each processing vessel serving the salmon harvesting vessels and a sufficient number of observers aboard the harvesting vessels to ensure that catch sampling is obtained at a 95% confidence level;
- 2. a requirement that the Secretary of Commerce, through the Secretary of State, negotiate with foreign nations fishing in the U.S. EEZ with driftnets to cooperate in assessing the impacts of driftnets on marine life. Foreign directed fishing permits will be withheld if any nation fishing with driftnets in the U.S. EEZ does not cooperate with the U.S. in the impact studies. S. 2611 applied the permit sanction to joint venture permits as well as directed fishing permits.
- 3. a requirement that the Secretary of Commerce, within one year of the bill's enactment and annually thereafter, report to Congress on the impacts of driftnets on marine life. The Secretary must, within six months of the bill's enactment, develop recommendations on a driftnet marking and registration system to aid in identifying the vessel of origin of lost, discarded or abandoned nets as well as evaluate the feasibility of the use of biodegradable plastics in the nets.
- 4. an amendment to Section 204 of the MFCMA to include in foreign fishing fee calculations the cost of an effective Coast Guard enforcement program concerning INPFC fishing activity within the U.S. EEZ;

- 5. a requirement that the Secretary implement a program that pays a bounty for the retrieval from the U.S. EEZ of lost, abandoned or discarded driftnets, "or other plastic fishing net material." The bounties are to be paid from the Fishing Vessel Gear Damage Compensation Fund established by the Fishermen's Protective Act; and
- 6. the creation of a 60-mile "seabird protection zone" around the Aleutian Islands, within which no driftnet fishing (as defined in the bill) would be allowed. After consultations with the Secretaries of State and the Interior, and providing opportunities for public comments, the Secretary of Commerce may modify by regulation the boundaries of the zone if such modification will provide an equal or greater degree of protection for seabirds. The outer boundary of the zone may not be modified to extend beyond the U.S. EEZ.

No hearings have, as yet, been scheduled on the bill; however, Senator Stevens is expected to move for committee action early this year. The Council may receive a request for comments from Senator Stevens or the Senate Commerce Committee.

On January 7, 1987 Representative Don Young introduced H.R. 438 (copy attached), a bill requiring American ownership, construction and manning of commercial fishing, fish processing and fish tender vessels. H.R. 438 is similar to H.R. 5662, a bill Representative Young introduced last Congress. The new legislation amends the Vessel Documentation Act by requiring any fishing, fish processing or fish tender vessel over 5 nt applying for U.S. documentation after October 31, 1986 to be built in the U.S. If the vessel is owned by a corporation, the controlling interests in the corporation must be Included in H.R. 438 but not addressed in owned by a U.S. citizens. H.R. 5662, is a requirement that at least 75% of the entire complement on U.S. documented fishing, fish processing and fish tender vessels must be U.S. citizens. The Merchant Marine Subcommittee of the House Merchant Marine & Fisheries Committee is expected to hold hearings on H.R. 438 in the near future.

Senators Stevens and Murkowski are expected to introduce a Senate bill on reflagging within the next few days. Copies of the bill will be mailed to the Council family as soon as it is received at the Council office.

(STAFF WORKING DRAFT) (JANUARY 6, 1987)

100th CONGRESS

S. <u>62</u>

IN THE SENATE OF THE UNITED STATES

Mr. STEVENS introduced the following bill; which was read twice and referred to the Committee on

ABILL

To improve efforts to monitor, assess, and reduce the adverse impacts of driftness.

- 1 Be it enacted by the Senate and House of
- 2 Representatives of the United States of America in Congress
- 3 assembled, That this Act may be cited as the "Driftnet
- 4 Impact Monitoring, Assessment, and Control Act of 1997".
- 5 Findings
- 6 Sec. 2. The Congress finds that --
- 7 ... (1) the use of long, plastic driftness is a
- 8 wasteful, indiscriminate, and destructive fishing
- 9 technique that results in the entanglement and death of
- 10 enormous numbers of target and nontarget fish, marine

- mammals, seabirds, and other living marine resources in the Pacific Ocean (including the Bering Sea) off the coasts of the United States;
- that become entangled and die in actively fished driftnets and in netting that is lost, abandoned, or discarded; and
- 10 (3) increased efforts are necessary to monitor,

 11 assess, and reduce the adverse impacts of driftnets.

12 DEFINITIONS

- 13 Sec. 3. As used in this Act, unless the context

 14 otherwise requires, the term--
- (1) "driftnet" or "drift gillnet" means a gillnet

 composed of a panel of plastic webbing one and one-half

 miles or more in length that is placed in the water and

 allowed to drift with winds and currents for the purpose

 of entangling fish in the webbing in the course of

 commercial fishing operatins;
- 21 (2) "living marine resources of the United States"
 22 includes--
- (A) anadromous species, as defined in section

 24 3(1) of the Tannuson Fishery Conservation and

 25 Management Act (16 U.S.C. 1802(1)); and

- (B) species of marine mammals, seabirds, and
 marine turtles which breed within, or are otherwise
 dependent upon, areas subject to the jurisdiction
 of the United States, including its territorial
 waters and its exclusive economic zone; and
- 6 (3) "Secretary" means the Secretary of Commerce, or the Secretary's designee.

8 YOUITORING

- 9 Sec. 4.(a) Section 201(i) of the Magnuson Fishery
 10 Conservation and Management Act (16 J.S.C. 1821(i)) is
 11 amended--
- 12 (1) in paragraph (1)(A), by striking "(2)," and
 13 inserting in lieu thereof "(2) and (3),";
- 14 (2) in paragraph (2)(A), by inserting immediately
 15 after "vessels" the following: ", other than vessels
 16 harvesting anadropous apecies under the International
 17 Convention for the High Seas Fisheries of the Worth
 18 Pacific Ocean, and the Worth Pacific Fisheries Act of
 19 1954 (16 J.S.C. 1021 et seq.),";
- 20 (3) by inserting immediately after paragraph (2) 21 the following:
- "(3) The requirement in paragraph 'll that a United States observer be placed aboard each foreign fishing vegsel may be waived by the Secretary with respect to foreign fishing vessels harvesting anadromous species under the International Convention for the High Seas Figheries of the

1 · North Pacific Ocean, and the North Pacific Fisheries Act of

2 1954 (16 U.S.C. 1021 et seq.) if the Secretary stations--

"(A) at least two research observers aboatd
 each fish processing vessel serving such harvesting

5 vessels; and

- "(B) a sufficient number of research observers

 aboard such harvesting vessels to ensure that an

 adequate sample is obtained to estimate, with 95

 percent confidence, the number of fish, marine

 mammals, seabirds and other living marine resources

 harvested or killed and discarded or lost by such

 vessels.
- 13 The costs of providing such research observers shall be 14 included in the surcharge imposed under section 201(i)(4)."; 15 and
- (4) by radesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively.
- 19 (b) Section 204(b)(6) of the Magnuson Fishery
 19 Conservation and Management Act (16 U.S.C. 1924(b)(6)) is
 20 amended by adding at the end thereof the following:
- "(C) The Secretary shall not approve any
 permit for a vessel aboard which the facilities for
 quartering of any United States observer required
 by section 201(1) or for carrying out the functions
 of such observer are determined by the Secretary to

be so inadequate that the health, safety, or welfare of such observer cannot be assured.".

(c). The Secretary shall --

- (1) immediately initiate, through the Secretary of State, negotiations with each foreign government that conducts, or authorizes its nationals to conduct, driftnet fisheries that result in the taking of living marine resources of the United States in waters off the coasts of the United States, for the purpose of arranging for reliable cooperative monitoring and assessment, with 95 percent confidence, of the numbers of fish, marine nammals, seabirds, and other living marine creatures killed and retrieved, discarded, or lost by that government's driftnet fishing vessels in waters beyond the jurisdiction of the United States;
- the Magnuson Fishery Conservation and Management Act (15 U.S.C. 1824(b)) for fishing, other than to receive at sea or transport United States harvested fish from vessels of the United States, to any vessel of any foreign government that fails, within one year after the date of enactment of this Act, to enter into an arrangement under paratrion (1) that is determined to be adequate by the Secretary after consultation with the Secretary of State, except that the Secretary may deny any such permit to consider at sea or transport United

- States harvested fish for any vessel of any foreign government that fails, within two years after the date of enactment of this Act, to enter into such an arrangement; and
- (3) provide to the Congress by not later than one year after the date of enactment of this Act a full report on the results of the Secretary's efforts under this section.

IMPACT REPORT

10 5. The Secretary shall provide to the Congress, 11 within one year after the date of enactment of this Act, and 12 every twelve months thereafter, a report identifying the 13 nature, extent, and impact upon living marine resources of 14 all driftnet fisheries in waters off the coasts of the 15 United States, both within and beyond the exclusive economic zone of the United States 'as defined in section 3(6) of the 16 Magnuson Fishery Conservation and Management Act (16 U.S.C. 17 18 1802(6)). The report shall include the best available information on the number and flag state of 19 involved, the areas fished, the length, width, and mesh size 20 of driftnets used, the target species, and the number 21 fish, marine mammals, seabirds, and other living marine 22 23 creatures killed by such fishery, as well as any other 24 the Secretary considers appropriate. Secretary, through the Secretary of State, shall request 25 such information for influsion in such report from the 26

- relevant foreign governments and shall include in such
- 2 report -an evaluation of the adequacy and reliability of the
- 3 data and estimates received from such governments or other
- 4 sources:
- 5 ENFORCEMENT AND FOREIGN FISHING PERMIT FEES
- 6 Sec. 6. Section 204(b)(10) of the Magnuson Fishery
- 7 Conservation and Management Act (16 U.S.C. 1824(b)(10)) is
- 8 amended by adding at the end thereof the following:
- "(3) Secretary shall include in 9 The determination of the total costs of carrying 10 provisions of this Act the costs of 11 the effective enforcement program for the exercise 12 exclusive management authority and, in particular, 13 to ensure the conservation and management of all 14 anadromous 15 species throughout their migratory range, consistent with section 101 of 16 Secretary shall consult at least annually with 17 18 the Secretary of the department in which the Coast 19 Guard is operating to determine the costs of an optimally effective enforcement program so that 20 can be reflected in and fully recovered through the 21 22 schedule of fees established pursuant 23 subparagraph (A).".

24 NET BOUNTY SYSTEM

25 Sec. 7. The Secretary shall promulgate regulations to 26 implement a net bounty system to pay persons who retrieve

- 1 from the marine waters of the United States and deposit with
- 2 the Secretary, or the Secretary's designee, lost, abandoned,
- 3 or discarded driftnet or other plastic fishing net material.
- 4 The Secretary shall make such payments for this purpose as
- 5 the Secretary determines to be appropriate from the Fishing
- 6 Vessel and Gear Damage Compensation Fund established under
- 7 section 10 of the Fishermen's Protective Act of 1967 (22
- 8 U.S.C. 1980) to the extent and in such amounts as are
- 9 provided in advance in appropriation Acts.
- 10 NET MARKING, REGISTRY, AND IDENTIFICATION SYSTEM
- 11 Sec. 8.(a) The Secretary shall, in consultation with
- 12 officials of other Federal agencies and such other persons
- 13 as may be appropriate, evaluate the feasibility of and
- 14 develop recommendations for: (1) the establishment of a
- 15 driftnet marking, registry, and identification system to
- 16 provide a reliable mechanism for the determination of the
- 17 origin by vessel, if possible, of lost, discarded, or
- 18 abandoned driftnets and fragments of driftnets; (2) the
- 19 establishment of a cooperative driftnet fishing vessel
- 20 tracking system making use of transponders aboard such
- 21 vessels and satellites or other equipment and techniques to
- 22 facilitate cooperative efforts to monitor the location of
- 23 driftnet fishing vessels; and (3) the use of biodegradable
- 24 or other materials in a portion or all of the driftnet that
- 25 would accelerate the decomposition of friftness left to

- 1 float at sea and thereby reduce the hazards such driftnets
 2 pose to living marine resources.
- 3 (b) The Secretary shall provide to the Congress, not
- 4 later than six months after the date of enactment of this
- 5 Act, a report setting forth --
- (1) the evaluations and recommendations developed
 under subsection (a) of this section;
- 8 (2) the most effective and appropriate means of implementing such recommendations:
- 10 (3) the need, if any, for further research and
 11 development efforts and the estimated cost and time
 12 required for completion of such efforts; and
- 13 (4) the need, if any, for legislation to provide 14 authority to carry out such recommendations.

15 SEABIRD PROTECTION ZONE

the jurisdiction of the United States.

16 Sec. 9.(a) There is established a seabird protection zone surrounding the Aleutian Islands off Alaska within 17 13 which no driftnet fishing is permitted. The inner boundary of the zone is a line coterminous with the low water line on 19 20 the shore of each of the Aleutian Islands and the outer 21 boundary of the zone is a line drawn in such a manner that 22 each point on the line is no less than sixty miles from the 23 inner boundary line, except to the extent that such outer 24 boundary would extend beyond waters or territory subject to

- (b) The Secretary, in cooperation with the Secretary of the department in which the Coast Guard is operating, enforce the prohibition against driftnet fishing in the 3 seabird protection zone established under subsection (a) of this section. Any such driftnet fishing within the zone shall constitute, be treated as, and be deemed 7 prohibited act under section 307 (16 U.S.C. 1857) and subject to sections 307 through 311 of the Magnuson Fishery 8 9 Conservation and Management Act (16 U.S.C. 1857-1861)
- 10 relating to enforcement and penalties for such prohibited ll acts.
- 12 The Secretary, after consultation with the (c) 13 Secretaries of State and Interior, may modify by the 14 regulation the inner and outer boundaries of the seabird protection zone established under subsection (a) of this 15 section if the Secretary decermines, after notice and an 16 opportunity for comment, that such modification will provide 17 18 an equal or greater degree of protection for seabirds. The Secretary shall not modify the outer boundary of the seabird 19 protection zone to extend beyond waters or territories 20 21 subject to the jurisdiction of the United States.
- 22 CONSTRUCTION FITH OTHER LAWS
- Sec. 10. Nothing in this Art shall serve or be construed to expand or diminish the sovereign rights of the United States, as stated by Proclamation Numbered 5030, dated March

- 1 10, 1983, and reflected in existing law on the date of
- 2 enactment of this Act.

100th CONGRESS

1st Session

HR

438

(Original signature of Member)

Insert title here

A bill requiring American ownership, construction, and manning of commercial fishing industry vessels.

IN THE HOUSE OF REPRESENTATIVES

January 7 19 87

Insert sponsor's

Mr. Young of Alaska

Referred to the Committee on Merchant Marine and Fisheries

A BILL

- 1 Be it enacted by the Senate and House of Representatives of the United
- 2 States of America in Congress assembled,

Section 1. Except as provided in section 2, a fishing, fish processing, or fish tender vessel (as defined in section 2101 of title 46, United States Code) greater than 5 net tons may not be issued a certificate of documentation under chapter 121 of title 46, United States Code, after October 31, 1986, unless the vessel was built in the United States and, in the case of a vessel owned by a corporation, the controlling interest in the corporation is owned by citizens of the United States.

Section 2. The provisions of section 1 do not apply to a fishing, fish processing, or fish tender vessel that has been issued a certificate of documentation before November 1, 1986.

Section 3. Section 8103 of title 46, United States Code, is amended--

- (a) in subsection (b) by inserting ", fish processing, fish tender," after "fishing"; and
- (b) by adding a new subsection (i) as follows:
 - "(i) On a fishing, fish processing, or fish tender vessel that has been issued a certificate of documentation under chapter 121 of this title, at least 75 percent of the entire complement (including licensed individuals) must be citizens of the United States.".

	Vessel Size	U.S. Manning Requirements	Documentation Eligibility	U.S. Build Requirement	Ownership Requirement	
	 under 5 net tons	none	 none - must be 5 net tons to document	no	 none, but during national emergency,	
Fishing Vessels		Inone, unless 1200 gross tons 1200 gross tons 1200 greater then 1200 greater 1200 gr		12108		
Fish Processing Vessels	 under 5 net tons	none		lno l	 portation approves greater than 50%	
	5 net tons or over 	75% U.S. crew	46 U.S.C. 12102 requires U.S. individual, corp board of direc- tors, or general partners & 50% limited partners	12105 	foreign ownership	
Fish Tender	lunder 5 net tons	Inone	none - must be 15 net tons to 1document	Ino I	AGENDA B-1. SUPPLEMENTA	
Vessels	5 net tons or lover	[75% U.S. crew on departure; lotherwise none except U.S. master required if over 200 gross tons (46 U.S.C. 8103 & 18304)		1 [[A B-1(a) (H.R. 438) EMENTAL	

ITEMS SUGGESTED FOR CHAIRMEN'S MEETING AGENDA

- Council Funding
 - a. FY 1987 administrative request vs. award
 - b. Use and distribution of programmatic funds
- NOAA Fishery Management Study current status and is there a next step?
- Legislative agenda for 1987

This is related, of course to the previous item, the Fishery Management Study. It should include a discussion of the MFCMA rewrite, preferably using the Pat Travers draft document as a basis for discussion. More on this in a later paragraph. Other items that should be considered are

- (1) Vessel safety and liability bills;
- (2) Reflagging of foreign ships to be used as U.S. processors;
- (3) High seas gillnet fisheries in the context of the bill introduced by Senator Stevens in the last session; and
- 4) Tuna management where it should be within the regulatory structure.
- Has the Council/NMFS Task Force finished its job? If not, what remains to be done.
- NOAA Domestic Observer Policy what is it; will it fit the various problems faced by the Regional Councils; how can we get some input?
- Need for a Council Liaison Office in Washington, DC. This subject has been discussed before; there now appears to be some possibility of independent funding for such an office, as indicated by Senator Stevens' letter of last year.
- Discussion of the 1986 MFCMA amendments and what effect they will have on the Councils and the fisheries managed by the Councils.
- Plastic debris in the oceans, particularly lost and/or discarded fishing gear and debris associated with the industry the Council role in this area.

12-Jan		1987	BERING	SEA/ALEU	TIANS I	NITIAL	ALLOCATIONS
	JAPAN	ROK	PRC	TOTAL	TALFF	REMAIN	ZTALFF ALLOCATED
BERING SEA							
POLLOCK Pop	675	500	25	1200	5000	3800	24.0Z
	1	1	1	3	12	9	25.0%
ROCKFISH	2	i	1	4	9	5	44.47
SABLEFISH BERING/ALEUT	22	5	1	28	40	12	70.0Z
YELLOWFINSOLE	50	1477	69	1596	5000	7808	74 00
GREEN TURBUT	850	5	1	856	1750	3404	31.97
ARR. FLOUNDER	350	50	3	403	4133	894	48.9%
OTH. FLOUNDER	100	4250	172	4522	14480	3730	9.82
PACIFIC COD	22000	500	35	22535		9958	31.27
ATKA MACKEREL	1	2	1	22JJJ 4	31295	8760	72.0%
SQUID	125	40	1	•	10	6	40.0%
OTHER	600	248	12	166	373	207	44.5%
	500	410	12	860	2250	1390	38.27
TOTAL	24776	7079	322	32177	64352	32175	50.0Z
CHECK	24776	7079	322	32177	64352	32175	