

PROTOCOL
28th SESSION OF THE U.S.-RUSSIA
INTERGOVERNMENTAL CONSULTATIVE COMMITTEE (ICC) ON
FISHERIES
September 26-27, 2017 — La Jolla, CA, U.S.A.

1. Opening Remarks; Introduction of Members of Delegations

Pursuant to Article XIV of the 1988 Agreement on Mutual Fisheries Relations, representatives of Russia and the United States conducted the 28th Session of the ICC on Fisheries in La Jolla, California, USA, on September 26-27, 2017. The delegation of the Russian Federation was led by Dr. Vasily Sokolov, Deputy Head of the Fisheries Agency of the Russian Federation, and the delegation of the United States of America (U.S.) was led by Ambassador David Balton, Deputy Assistant Secretary for Oceans and Fisheries, U.S. Department of State.

2. Election of Chairman and Rapporteurs

Ambassador David Balton, Deputy Assistant Secretary for Oceans and Fisheries, U.S. Department of State, was elected as Chair of the 28th session of the ICC. Mr. Dmitry Kremenyuk from the Russian Federation and Mr. C. Colin Brinkman from the U.S. were appointed as Rapporteurs to draft the Protocol.

3. Adoption of the Agenda

Adopting the agenda, the Russian Federation proposed to add to the agenda para. 8.1 a discussion related to identifying Russia as having fishing vessels suspected in IUU activity in a NOAA report to the U.S. Congress. Taking this into account, the agenda was adopted.

4. Discussion of Issues Connected with the Agreement on Mutual Fisheries Relations (1988). U.S. —Russia Cooperation in the Study of Living Marine Resources

4.1. Status of Bering Sea Pollock Stocks

The United States reported on the status of Bering Sea pollock in the U.S. EEZ, highlighting the status of the stocks in the Eastern Bering Sea, Aleutian Islands, and Bogoslof management areas. The United States reported that the overall trends in biomass and catch continue to be stable in the Eastern Bering Sea. The United States reported that biomass in the Aleutian Islands is stable, but harvests are very limited. The United States reported that biomass in the Bogoslof management area had increased based on the survey conducted in 2016, but overall biomass is still well below peak biomass levels observed in the late 1980s. The United States noted that final assessments for 2017 were not available prior to this meeting, but biomass is expected to be stable relative to recent biomass estimates. The total allowable catch (TAC) in 2018 is 1.345 million tons in the Eastern Bering Sea, 19,000 tons in the Aleutian Islands, and 500 tons in the Bogoslof Area.

Russia reported on the results of Russian studies of Bering Sea pollock conducted in 2016-2017. The bottom trawl survey was conducted in the Northwestern and Western Bering Sea

in summer 2017 aboard R/V Buhoro. Final calculations on the status of the stocks have not been completed yet, but comparative analysis of multi-year data on pollock resource assessments show that resources of Navarin pollock are in a stable status at the average level. During the last 10-12 years, the majority of year classes, had an average abundance (2006, 2009-2011, 2013-2014) and some were above-average abundance (2008 and 2012). The total allowable catch (TAC) of this resource for 2017 was established at 475.5 thousand tons using modeling data and a precautionary approach.

The pollock stock in the Karaginsky and Olutorsky bays remain on low level due to the absence of new abundant year classes. The TAC for 2017 decreased to 6.8 thousand tons, where in 2016 the TAC was 7.4 thousand tons.

4.2. Status of Walruses

The United States reported on the status of the multi-year, genetics based, capture-mark-recapture project for estimation of abundance and demographic rates (i.e. survival and fecundity) of Pacific walruses. The study was initiated in 2013 and the 5th year of joint walrus research cruises was just completed. In 2017, ten Russian scientists joined the U.S. Fish and Wildlife Service in this research effort. An analysis of the first three years of data produced a preliminary estimate of approximately 280,000 Pacific walruses. This study requires the annual collection of a large number of skin biopsy samples from a representative sample of the population and therefore sample collection should occur in the Bering and Chukchi Seas of both countries. The United States proposed the continuation of this project by taking a year off of the research cruises while a more comprehensive analysis of the full five years of data can be conducted by both countries. The United States also proposed continuation of the joint U.S. and Russian research cruises in 2019 or 2020 in the Bering and Chukchi Seas of both the U.S. and Russia.

The Russian Federation noted that the walruses' abundance in the Bering and Chukchi Seas constantly varies. The first significant decrease of walruses' abundance was in the end of 19th through the beginning of the 20th centuries. By the end of the 1930s, abundance increased, but again decreased in 1960s. In the early 1980s, abundance recovered to an optimal level as direct result of effective scientific regulation of exploitation and implementation of conservation measures. However, currently, a number of indications point to a new era of weakening of the reproduction and reduction in abundance. The mature females in the Bering and Chukchi Seas in 1999-2011 and 2013-2015 are just 34.26 percent of the population. It is expected that the main negative effect on walruses' reproduction was a result of climate change and warming in the eastern Arctic.

Both sides decided to continue joint research.

4.3. and 4.4 Status of Other Pinnipeds and Other Marine Mammals

The United States presented information on the status of domestic and trans-boundary pinniped stocks, including Steller sea lions, northern fur seals, and ice-associated seals. Research on these species includes assessments of abundance and trends, vital rates, diet and foraging behavior, and health and condition. Several very successful collaborative research projects on Steller sea lions and ice-associated seals were conducted in recent years.

Continuing to conduct routine joint research in Russia and Alaska to monitor the status and trends of pinnipeds remains a high priority.

Russia presented research data on the status and distribution of northern fur seals and Steller sea lions.

Russia also presented preliminary results of a marine mammals survey in the Central and Northern Sea of Okhotsk in 2016. The survey yielded data on abundance estimates of marine mammals populations, including pinnipeds, orcas, fin whales, humpbacks, sperm whales and other marine mammals. Abundance and distribution of gray whales in the Mechigmans Bay depends on capacity of potential food.

4.5. Status of Crab

The United States presented on the current status of major Bering Sea crab stocks in the U.S. zone (snow crab, tanner crab, blue king crab, red king crab, and Aleutian Island golden king crab). Some stocks are above the maximum sustainable yield biomass (B_{msy}), and some are below. Pribilof blue king crab is at a critically low abundance and the St. Matthew Island blue king crab fishery was closed in 2016/2017 due to low abundance. The biomass estimates for nearly all surveyed stocks show a declining trend. The United States explained that these crab fisheries are managed through a partnership between Federal and State of Alaska managers, with the latter responsible for active management of the fishery, developing most of the regulations and establishing the final harvest limits.

The Russian Federation noted that the status of blue crab (*Paralithodes platypus*) in the Bering Sea is satisfactory at present, and the commercial stocks of this species is expected to increase in near future. In 2018, the TAC is recommended to be set at 2,998 thousand tons for the Western Bering Sea.

Stocks of Bairdy (*Chionocetes bairdi*) and opilio (*Ch. Opilio*) crabs are currently stable and there is a trend towards a slight decrease in abundance, likely due to the influence of natural reasons. The quotas established in 2016 are completely fulfilled. In the Russian part of the Bering Sea, the fishery regulation measures contribute to a sustainable status of stocks.

In the summer of 2017, a bottom trawl survey was carried out in the Northwestern and Western Bering Sea for assessment of crab stock abundance. The analysis of the survey results has not been completed yet.

4.6. Seabird Bycatch

The United States described its ongoing efforts to prevent seabird bycatch in North Pacific fisheries. The United States reported that existing regulations put in place to reduce seabird bycatch continue to be effective, particularly for reducing albatross bycatch. The United States reported that fewer seabird mortality events were reported in 2017 relative to 2016. The United States reported that it intends to continue seabird bycatch efforts and monitoring for mortality events.

Russia adopted a new program of scientific observers in 2015 and according to the program all observers conduct constant observations of the influence of fishing

operations on seabirds' behavior and survival. Bycatch of seabirds during trawl fisheries of pollock, herring and other fish in Russian EEZ are extremely rare.

5. Update and Status of Joint Research Planning, Data Exchange, and Surveys

The United States emphasized the importance of continuing cooperative research for the conservation and sustainable use of living marine resources. The United States indicated that it intends to seek permission to conduct research cruises in Russian waters with the *Oscar Dyson* in 2018 consistent with previous research efforts that have been permitted by Russia.

Russia noted the importance of continued cooperative research in the Bering Sea and the Arctic for the purpose of estimating the status of living marine resources. Russia expressed gratitude to the American side for providing the opportunity for joint research in the Chukchi Sea and the Beaufort Sea in August-September 2017 on board U.S. research vessels.

Both Russia and the United States pledged to work together to facilitate coordinated research in 2018 and in future years.

6. Exchange of Information about Cooperation on Issues of Law Enforcement Activities in the Fisheries Field

The U.S. Coast Guard representative provided an overview of joint law enforcement activities conducted with the Russian Border Guard Directorate for the Eastern Arctic District. These joint efforts were focused on combating IUU fishing activities adjacent to the Maritime Boundary Line between the Russian and U.S. EEZs.

Although there has been an overall decline of detected illegal incursions into each country's EEZ in the past ten years, which is attributed to the high level of cooperation between the Russian Border Guard and the U.S. Coast Guard, there has also been an apparent increase in illegal activity along the boundary and within the Central Bering Sea Convention area. Vessels engaged in IUU fishing and related activities are utilizing this area to evade both Russian and U.S. enforcement entities. The U.S. Coast Guard provided an overview of five recent incidents involving motor vessels, as well as incursions and suspected incursions in previous years, as examples of cooperation between the U.S. Coast Guard and Russian Border Guard.

Enforcement of this maritime boundary is best done jointly and cooperatively; both the Russian Federation and the United States look forward to finding ways to refine and continue that cooperation in maintaining the integrity of each country's EEZ.

A representative of the Russia FSB Border Guard Service reported on joint activities by the FSB and the U.S. Coast Guard District 17, as well as actions undertaken in 2017 in fulfillment of the international schedule for the enforcement of regulations in the area delineated by the Convention for the North Pacific Anadromous Fish Commissions (Convention Area.)

The results of enforcement activities in 2017 within the Convention Area were provided and it was noted that no vessels engaged in the specialized catch of anadromous fish species were

detected.

The Russian Federation believes that the low level of illegal activity in the Convention Area is a direct result of a high level of cooperation between the Russian FSB Border Guard Service and the U.S. Coast Guard District 17.

The Russian Federation expressed the view that it is necessary to first have discussions within the ICC related to activity of vessels suspected in IUU fishing whenever any side makes a claim to the opposite side on their fishing vessels' activity. In particular, Russia noted that it has conducted a thorough investigation on the operations of the Russian fishing vessel "Admiral Kolchak" and has found no violations in her activity. Having this in view, Russia offered to organize a bilateral meeting of technical experts on the issue of at-sea monitoring with a view to refine and align the existing standards of position-reporting data in order to correctly identify the U.S.-Russian maritime boundary in the Bering Sea. At the same time, Russia mentioned that no change has occurred in the positions of both sides related to a possibility of reciprocal access for fishing vessels in each country's EEZ that are in this area. The sides decided that they would further discuss the above-mentioned issues during the meeting of technical experts to be conducted on September 28, 2017.

7. Multilateral Issues

7.1. Review of Results of the 22nd annual virtual Conference of Parties to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea

The United States noted that the 22nd annual virtual Conference is ongoing and the final report is not yet available. The United States did not conduct a new survey in 2017, but the available information suggests that the biomass of pollock in the Central Bering Sea will not be sufficient to trigger setting an annual harvest limit above zero according to part I of the Annex to the Convention. The United States and Russia both expressed the opinion that they do not see a clear need to amend the Convention's membership provisions at this time.

The Russian Federation noted the positive role of cooperation between Russia and the United States within the framework of the Convention for Conservation and Management of Pollock Resources in the Central Bering Sea and the Agreement for Conservation of Transboundary Fishery Resources in the Central Sea of Okhotsk which ensures conservation of offshore pollock stocks in the Bering and Okhotsk seas.

7.2. Arctic Fisheries

7.2.a. Presentation on Domestic and International Arctic Fisheries Research – Discussion of Areas of Cooperation

The United States presented information on the integrated ecosystem survey conducted in the Chukchi Sea during August to September 2017. The goal of this research is to understand the impact of loss of seasonal sea ice on the Chukchi Sea ecosystem. Research operations included collections on physical oceanography, determining the presence and species composition of phytoplankton and zooplankton resources, and sampling of benthic communities using a beam trawl, midwater communities using

acoustics and trawl sampling, and surface communities using a surface trawl. Three Russian scientists participated in the survey: Alexey Somov and Natalia Kuznetsova from TINRO Center and Igor Grigorov from VNIRO Center. The U.S. appreciates the assistance of our Russian colleagues during this year's Arctic research survey.

7.2.b. Coordinate and Finalize Research Plans for Integrated Research Cruises in the Northern Bering Sea and the Arctic in 2018/2019

The United States presented plans for integrated ecosystem surveys in the Northeastern Bering Sea (2018 and 2019) and Chukchi Sea (2019). The United States looks forward to further discussion on the potential for cooperative research in these regions, including exchange of scientific staff on surveys as well as coordinated surveys and other ecosystem research activities to understand regional structure, function and ecology of indicator species of the northern Bering Sea and Chukchi Sea. Contacts for collaborative research plans include Ed Farley and Igor Melnikov.

7.2c Discussion of the Proposed Arctic Fisheries Agreement

The United States thanked the Russian side for their participation in the negotiations on the Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean. The United States expressed the opinion that the issue of how decisions will be made under such an agreement is the hardest and most important issue left to solve, and that if a solution to this problem is found all other remaining issues may be quickly resolved. The United States noted that there are some options that haven't been fully explored to which the parties to the discussions may need to look to find a solution. The United States announced its intention to invite those involved in these negotiations to Washington in the end of November 2017, to include a meeting among the five states that signed the Oslo declaration in 2015 followed by three days reserved for discussions among all ten delegations. The United States expressed the hope that this meeting will result in agreement in principle on all elements under negotiation. The United States also asked the Russian side if Russia will be sending scientists to the next meeting of fisheries scientists under this process being hosted by Canada in October 2017.

The Russian Federation has made a number of comments with respect to the text on the draft Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean, as well as with respect to organizing further negotiations on this issue. Both sides resolved to coordinate their actions prior to the next round of negotiations.

7.3 Biodiversity Beyond National Jurisdiction

Russia reported to the meeting on progress in the ongoing UN Preparatory Committee process to develop a legally binding instrument within UN Convention on the Law of the Sea of 1982 framework concerning conservation and sustainable use of biodiversity beyond national jurisdiction. Russia expressed its principal position on the issue of the UN Prep Com process, aimed at establishment of a legally binding BBNJ Agreement, which was made available at the UN consultations on this subject.

The Russian Federation noted that it has a cautious approach to the idea of drafting a new Agreement regulating all the issues of management and conservation of the biodiversity of the high seas. The Russian Federation does not support the inclusion of all the issues

related to fisheries into the new Agreement and does not support declaring living marine resources of the high seas as the common heritage of mankind. In this context, the Russian Federation supports preserving the system of regional fishery management organizations, which have proven their effectiveness and does not see the need to create any global fisheries organization.

The U.S. remains committed to ensuring that existing relevant international legal instruments and frameworks and relevant regional and sectoral bodies, including regional fisheries management organizations, are not undermined by any resulting instrument. Both the U.S. and the Russian Federation noted that the negotiations may have some consequences for marine resource exploration. The U.S. highlighted concerns related to creating additional administrative and financial burdens that would discourage marine scientific research and development. Both the U.S. and the Russian Federation noted that any potential new instrument should not stifle or impede innovation, marine exploration, science, and entrepreneurship.

7.4 Other Multilateral Issues

The Russian Federation took note of the issues surrounding the creation of marine protected areas (MPAs) within the framework of the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR). Noting that there is a well-grounded concern related to the absence of scientific research plans with respect to existing MPAs. Even now, there are no clear criteria for assessing the effectiveness of existing and new MPAs. Russian Federation believes it is necessary to develop the relevant plans and criteria prior to the creation of new MPAs within the framework CCAMLR.

8. Special Topic of Mutual Interest: Consideration of Matters Connected with Implementation of the Agreement between the Government of the Russian Federation and the Government of the United States of America on Cooperation for the Purposes of Preventing, Deterring, and Eliminating Illegal, Unreported, and Unregulated Fishing

NOAA Office of Law Enforcement (OLE) provided an overview of information being shared under the IUU Agreement in addition to what the United States has been routinely submitting to Russia. OLE also provided an overview of an investigation that involved an alleged incursion of a U.S. vessel into the Russian EEZ. The presentation reviewed the facts of the case in addition to the ultimate penalties that were issued. Following the presentation, the United States and Russia discussed sharing information on suspect vessels in addition to actions that could be taken on both sides to address suspected IUU fishing activity by flags of convenience.

In a side meeting, enforcement counterparts in the United States and Russia met to discuss pending investigations of imports of Russian crab and expressed their intention to cooperate in sharing relevant investigative information. The Russian Federation confirmed its readiness to provide timely assistance to the U.S. in identifying crab seafood products of Russian origin which were delivered to the U.S. market via third countries.

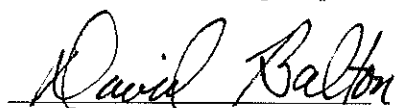
The Russian Federation shared an overview of the mechanism about the implementation of the Agreement between the Government of the Russian Federation and the Government of the United States of America on Cooperation for the Purposes of Preventing, Deterring, and Eliminating Illegal, Unreported, and Unregulated Fishing, highlighting the activities related to the identification “suspicious vessels,” as well as on the application of penalties on vessels involved in IUU fishing activities.

9. Other Matters

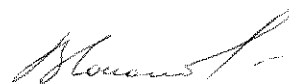
Neither side raised any issues under this agenda item.

10. Time and Place for Holding the 29th ICC meeting.

The Russian Federation proposed hosting the next ICC meeting. Place and time will be communicated through diplomatic channels.



Ambassador David A. Balton
Head of Delegation
United States of America



Dr. Vasily Sokolov
Head of Delegation
Russian Federation