

PROTOCOL
27th SESSION OF THE U.S.-RUSSIA
INTERGOVERNMENTAL CONSULTATIVE COMMITTEE (ICC)
ON FISHERIES

September 27-28, 2016 – Vladivostok, Russia

1. Opening Remarks and Introduction of Members of Delegations

Pursuant to Article XIV of the 1988 Agreement on Mutual Fisheries Relations representatives of Russian Federation (RF) and the United States (U.S.) conducted the 27th Session of the ICC on Fisheries in Vladivostok, RF, on September 27-28, 2016. 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 was led by Russell Smith, Deputy Assistant Secretary for International Fisheries, National Oceanic and Atmospheric Administration (NOAA).

2. Election of Chairman and Rapporteurs

Vasily Sokolov, Deputy Head of the Fisheries Agency of the Russian Federation was elected as Chair of the 27th session of the ICC. Dmitry Kremenjuk and Alexander Glubokov (RF) and Elizabethann English (U.S.) were appointed as Rapporteurs to draft the Protocol.

3. Adoption of the Agenda

While adopting the agenda, both sides noted that substantive discussion the project of Agreement between Russian Federation and United States concerning conservation and management of living resources in the northern Bering Sea was unnecessary due to the fact that the position of neither side had changed.

Taking this into account the agenda was adopted.

4. Discussion of Issues Connected with 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 status of stocks in eastern Bering Sea, Aleutian Island region and the Bogoslof management areas. The United States reported that the overall trends in biomass and catch continue to be positive in the Eastern Bering Sea. The United States reported that biomass in the Bogoslof Area has increased in 2016 based on biennial survey results, but overall biomass is still well-below peak biomass levels observed in the late 1980's. The United States noted that final assessments for 2016 were not available prior to this meeting, but are expected to be stable relative to recent biomass estimates. The United States noted that recent observations of high surface and bottom temperature in the Eastern Bering Sea should continue to be monitored for potential impacts on juvenile pollock survival. The total allowable catch (TAC) in 2017 is 1.34million tons in the Eastern Bering Sea, 19,000 tons in the Aleutian Islands, and 500 tons in the Bogoslof Area.

Russia gave a presentation on the results of Russian studies of pollock in the Bering Sea conducted during the inter-sessional period from July 2015 to August 2016. It was noted that in the Western Bering Sea pollock stocks from the 2012 and 2014 year classes had average abundance. Studies of Navarin pollock showed that its stock has stabilized. According to the modeling data and by using a precautionary approach, the TAC for 2017 will be 475.5 thousand tons. Due to the absence of abundant year classes of Karagin Pollock in recent years, the TAC for 2017 will be 6.8 thousand tons.

4.2 Seabirds

The United States presented on efforts of the United States to prevent seabird bycatch in Alaska fisheries. Since 2014 when new regulations were put into place, bycatch of seabirds across Alaskan fisheries, including long-line, trawl and pot fisheries has significantly declined. The United States highlighted the success of tory or streamer lines in long line fisheries, including ongoing collaborative efforts with Russian researchers, fishermen, and International NGOs in the Kamchatka region. Russian industry representatives requested, and the United States agreed to provide, additional information.

4.3 Walruses

The United States presented research on the status of the Pacific walrus. This subpopulation is comprised of a single stock shared between the U.S. and Russia. The United States reported that current information suggests that the population may have reached carrying capacity around 1980 but declined from 1980 through at least 2000. An update of that analysis suggests that the population may have stabilized but that future trends are of likely increasing worsening conditions. Therefore, continuous monitoring of population size, trend and demographic rates is a high priority for the U.S, including ongoing bilateral U.S and Russian research efforts.

Russia reported on the research on Pacific walruses conducted in the Chukotka rookeries. Both sides decided that existing joint research should be continued and additional collaboration on monitoring subsistence harvest of walrus should be considered.

4.4. Others Marine Mammals

The United States presented research on the status of domestic and trans-boundary pinniped stocks, including Steller sea lions and northern fur seals. The United States also presented preliminary results of the very successful joint U.S./Russia surveys of ice-associated seals in the Bering, Okhotsk, Chukchi, and East Siberian Seas. These surveys yielded the first credible abundance estimates of for the populations of these ice-associated seals.

4.5. Status of Crab stocks

The United States presented on the current status of major Bering Sea crab stocks in the U.S. zone (snow crab, tanner crab and red king crab). While the quota setting process for the upcoming crab season is still in the preliminary stage, it is apparent that biomass estimates for nearly all surveyed stocks are in a state of decline.

Russia reported on stock assessment data for crabs in the western Bering Sea. Stocks of opilio and Bairdy crabs are currently stable and there is a trend towards a slight decrease in abundance. Stock of blue crab have increased. Total annual catch in the last few years was below TAC. In general, the established measures provide for stable condition of the stock in the Russian EEZ.

4.6. Cooperative Research in 2016

The United States emphasized the importance of cooperative research for the conservation and sustainable use of U.S.-Russia shared living marine resources, and expressed regret regarding recent challenges to obtaining permission to conduct research cruises in Russian waters. Both Russia and the United States pledged to work together in the future to improve coordination on these issues.

The sides will coordinate to ensure necessary information is provided on research plans by the Oscar Dyson to the necessary Russian authorities.

5. Exchange of information regarding cooperation on issues of law enforcement activities in the fisheries field

The Russian Border Guard representative made a report on joint operational activity with the USCG District 17 in the areas adjacent to the Maritime Boundary Line between the Russian Federation and the United States in the Bering Sea, as well as regarding efforts to patrol the NPAFC Convention Area in year 2016. He also reported that efforts to eradicate IUU fishing in the above mentioned areas keep up to be a priority to the Russian Border Guard.

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 in the areas adjacent to the Maritime Boundary Line between the Russian Federation and the United States in the Bering Sea, as well as the activities designed to decrease the substantial illegal driftnet fishing in the northern part of the Pacific Ocean. Since 2014 there has been a significant decline of detected illegal incursions into each countries' EEZ which is attributed to the high level of cooperation between the Russian Border Guard and the U.S. Coast Guard. It was reported that a suspected IUU transshipment vessel "FABIAN" was sighted during a routine patrol of the Central Bering Sea (Donut Hole) by a USCG C-130. The collected imagery of the vessel included equipment indicative of illegal transshipment vessels. This information was directly shared with the Russian Border Guard Directorate for the Eastern Arctic District.

The sides expressed their interest in continued communications and strengthening cooperation in the area of joint activities in combating IUU fishing activity.

6. Review of results of the 21th annual virtual Conference of Parties to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea

The U.S. conducted a new survey that shows that the biomass of pollock in the Central Bering sea do not reach the level that would trigger AHL above zero according to the Annex, part 1 of the Convention. Accordingly, this Scientific and Technical Committee will recommend to the annual Conference keep AHL in the Bering Sea enclave at zero level for 2017.

7. Arctic Fisheries

7.1 Agreement to Prevent Unregulated High Seas Fisheries In The Central Arctic Ocean Results from Iqaluit Meeting

Russia and the United States had a thorough and productive discussion on the draft agreement Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean (CAO), including the results of the third meeting related to this issue (July 6-8, 2016, Iqaluit, Canada).

The United States underscored its strong conviction that a binding agreement with coastal and flag States. Such an agreement is the most effective way to ensure no fishing occurs in the central Arctic Ocean until one or more regional or subregional fisheries management organizations or arrangements is in place to manage such fishing in accordance with modern international standards, including reflecting the best available science. Russia's view is that a legally binding agreement, which would prohibit fisheries, is not timely due to the lack of scientific data on stock status and the absence of data about commercially viable fisheries in the Central Arctic in the areas beyond national jurisdiction zone. Non-coastal States could be recruited to cooperate by joining the Ministerial Declaration of May 16, 2015. Whereas commercial catch has not occurred in this area, creation of an RFMO is not necessary.

Both sides agreed to coordinate in advance of the next round of negotiations.

7.2. Status of Russia/US cooperative research program in the Chukchi Sea

The United States presented on ongoing cooperative research in the Chukchi Sea. The ICC supported the final draft of the cooperative integrated ecosystem research in the Arctic.

8. Other issues

8.1. UN review of the fish stocks Agreement

Russia provided an overview on the 2016 resumed meeting of United Nations Fish Stocks Agreement Review Conference, and both the US and Russia agreed that the Review Conference was successful. The United States also noted that the 2016 UNGA sustainable fisheries resolution will review progress that States and Regional Fisheries Management Organizations have made to protect vulnerable marine ecosystems from significant adverse impact from bottom tending gear.

8.2. Developing process of the UN Agreement for management of the biodiversity beyond the national jurisdiction zone

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 Prepcom process, aimed at establishment of a legally binding BBNJ Agreement, which was made available at the UN consultations on this subject.

The United States stressed that the outcomes of the PrepCom should balance the needs for conservation and protection of high seas biodiversity, including fisheries, while promoting and not stifle or impede innovation, marine exploration, science, and entrepreneurship. Both sides noted that while there are differences between US and Russian positions, there are also issues where we have agreement and that we should better explore those areas.

8.3. CCAMLR

The United States updated the meeting on the important issues for the upcoming CCAMLR meeting, including the proposed MPA in the Ross Sea and krill management. Russia stated its position concerning MPA issue. The United States and Russia agreed to continue to discuss preparations for the Annual Meeting.

8.4. 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 Harvesting of Living Marine Resources of September 11, 2015

Participants acknowledged that with minor delays, implementation of the Agreement has commenced. Points of contact for both sides have been established and the process for sharing information between the Parties as per the Agreement is being developed. Prior to the bilateral meeting, Russia provided a draft framework for compilation of a list of suspect vessels. Russia presented this framework at the meeting, noting that there may be other potential approaches to establishing this process. The U.S. appreciates Russia's efforts to develop this draft framework and committed to engage the Department of State and NOAA Office of Law Enforcement for further consideration of, and response to, Russia's proposal.

8.5. The Process to Set Annual Catch Limits for North Pacific Groundfish and crab

The U.S. presented information on the process for establishing catch quotas in the U.S. zone. Catch limits are recommended by the North Pacific Fishery Management Council, and are subject to approval and implementation by the National Marine Fisheries Service.

The annual process for setting crab fishery catch limits is similar to the process for groundfish, with one significant difference. Because crab fisheries are co-managed by the State of Alaska, the Council and NMFS establish ABC levels, but TAC levels are set by the State of Alaska.

Russia provided information on the establishment of TAC for crabs within waters under national jurisdiction.

There was extensive discussion on respective observer programmes in the U.S. and Russia zones, and this was identified as a potential special topic for the next meeting of ICC.

8.6. Review requirements for imported products traceability system proposed for incorporation in U.S.

The U.S. described progress toward implementation of the Presidential Task Force on IUU fishing and Seafood Fraud Action Plan, including the status and timeline for the publication of the final rule to implement the Seafood Import Monitoring Program and reviewed key issues raised in the comments on the proposed rule. As NOAA expects publication of the final rule to occur in the coming weeks, it was unable to provide specific details with respect to the contents of the final rule. Russia has provided numerous comments on the development and substance of the proposed rule and expressed some of its key concerns to the U.S. The U.S. described next steps toward implementing the seafood traceability program.

8.7. ICCAT

The United States identified some of its priorities for the 2016 Annual Meeting of the International Convention for the Conservation of Atlantic Tunas (ICCAT). These include considering the current management measure for tropical tuna in light of the most recent stock assessment for yellowfin tuna; reintroduction of measures establishing a high seas boarding and inspection regime and requiring that sharks be landed with their fins naturally attached; completion of the convention amendment process; and considering the report of the independent review team. The United States would like to work with the Russian Federation on these and other issues during the upcoming meeting.

9. Marine Mammal Protection Act

The U.S. reported that the final rule implementing the Marine Mammal Protection Act Import Regulation was published in August, 2016, in keeping with a court-ordered deadline. While the rule is effective January 1, 2017, foreign fisheries will be exempted from a certification for import for five years. Russia expressed its concerns regarding its capacity to comply with the rule and the possibility of trade implications. The U.S. responded to those comments and both sides agreed to provide the points of contact necessary to establish a process for providing NOAA with fisheries data critical to the development of the List of Foreign Fisheries and evaluation of regulatory frameworks.

10. Time and Place for holding the 28th ICC meeting

United States proposed hosting the next ICC meeting. Place and time will inform through diplomatic channel.

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