



DEPARTMENT OF TRANSPORTATION

UNITED STATES COAST GUARD

Commander (ole)  
17th Coast Guard District  
P.O. Box 3-5000  
Juneau, AK 99802-1217  
(907) 586-7354

AGENDA ITEM B-4  
16214  
15 June 1988

U. S. COAST GUARD FISHERIES ENFORCEMENT AND SURVEILLANCE REPORT FOR PERIOD 1 APR - 31 MAY 1988.

1. LEVEL OF EFFORT.

- a. During this period 9 cutters spent 136 days for fisheries enforcement in the waters off Alaska, and Coast Guard C-130 and H-3 aircraft flew 36 missions for a total of 175 hours on fisheries enforcement patrols. 452 foreign fishing vessel (FFV) sightings and 994 U.S. fishing vessel sightings were reported by Coast Guard units. 48 FFV's and 116 U.S. F/V's were boarded and inspected. Enclosure (1) provides a detailed breakdown of patrol effort for 1988 by month and nation.
- b. Coast Guard units on fisheries patrols were also involved in several Search and Rescue cases, including CGC RUSH fighting fires on the F/V SCANDIES ROSE (3-6 APR) and the F/V WESTWARD WIND (13-17 APR), and CGC MORGENTHAU diverting to assist the F/V NORSEMAN who reported her pilothouse windows were blown out in heavy weather (15-16 APR).

2. MAGNUSON FISHERIES CONSERVATION AND MANAGEMENT ACT (MFCMA) ENFORCEMENT ACTIONS.

- a. During this period the Coast Guard issued 33 reports of violations and 15 written warnings (citations) for violations of the MFCMA. Summary by country:

Country	ROV's		Citations		Seizures	
	This Period	1988 Total	This Period	1988 Total	This Period	1988 Total
JA	9	18	11	11	0	1
KS	5	6	3	3	0	0
PL	0	0	0	0	0	0
UR	2	5	1	1	0	0
CH	0	1	0	0	0	0
US	17*	29	0	0	0	1
TOTAL	33	59	15	15	0	2

\* - includes 2 ROV's under Marine Mammal Protection Act

- b. Enclosure (2) provides a detailed list of MFCMA enforcement actions by vessel. Most violations involved joint venture foreign and U.S trawlers exceeding 20 percent bycatch of pollock during the split season pollock closure.

3. FOREIGN FISHING ACTIVITY IN THE INTERNATIONAL WATERS OF THE BERING SEA.

Nine air surveillance flights and 3 cutter patrols were conducted into the "donut hole" and along the U.S. EEZ boundary in the Bering Sea. 159 vessels were sighted in the "donut hole" and 83 different vessels were identified. This following is a breakdown by country and type of vessel:

VESSEL TYPE		COUNTRY			TOTAL
		JA	UR	PL	
	STRL/L	13	11	38	62
	STRL/M	17	1	0	18
	STRL/S	0	0	0	0
	TRANS	0	1	2	3
					----
	TOTAL	30	13	40	83

4. INTERNATIONAL PACIFIC HALIBUT CONVENTION ENFORCEMENT ACTIONS.

Of the 9 cutters involved in fisheries enforcement during this period, 2 were buoy tenders and 4 were patrol boats assigned to enforce the 23-24 May 1988 halibut fishing period. During this opening, the following violations were issued:

F/V MI VADA - IPHC license not aboard, undersized halibut.  
F/V TIDING - Undersized halibut, halibut fillets aboard.  
F/V MALKA - IPHC license not aboard, halibut fillets aboard.  
F/V STARRIGAVAN - No license aboard.  
F/V CHINA B - Undersized halibut

5. ZERO TOLERANCE POLICY.

Enclosure (3) provides current information on the federal "zero tolerance" policy for illegal drugs on vessels, including the enforcement procedures and some suggested precautions owners/operators may take to minimize the risk of seizure or forfeiture of their vessel.

Under this policy we are enforcing existing law against illegal drug possession aboard vessels.

The Coast Guard is implementing this policy only during the course of our normal operations. No additional patrol effort or boardings will be conducted solely to implement "zero tolerance" policy.

If personal use quantities of controlled substances are found during the course of a Coast Guard boarding, we will consult with U.S. Customs Service (USCS) prior to initiating seizure action. In some circumstances information which would mitigate against forfeiture is immediately available and USCS may opt to fine the possessor of the contraband

rather than seize the vessel of an unknowing and non-negligent owner/operator. Additionally, if the vessel is outside the 12-mile limit, it would be seized only if there is evidence of exportation or an intent to import any measurable quantity of illegal drugs or drug paraphernalia. If a vessel is seized it will normally be directed to proceed to port without escort and report to USCS authorities for disposition.

Since the implementation of this policy the Coast Guard in Alaska has participated in actions that resulted in the seizure of 4 vessels by the USCS.

In addition to supporting a nationwide effort to reduce the demand for illegal drugs, we believe this policy will result in safer fishing operations as more vessel owners/operators institute their own zero tolerance policies.

Encl: (1) USCG Patrol Effort/FV sightings/FV boardings for 1988  
(2) MFCMA enforcement actions  
(3) Zero Tolerance Policy

U.S. COAST GUARD PATROL EFFORT  
FOR 1988 (THROUGH 31 MAY)

	ALPAT PATROL DAYS	CUTTER PATROL DAYS*	C-130 PATROL HOURS	H-3 PATROL HOURS	MILES PATROLLED
JANUARY	35	10	61	0	12,677
FEBRUARY	49	3	71	0	19,873
MARCH	35	12	34	6	11,523
APRIL	54	8	51	0	12,339
MAY	63	11	52	72	24,286
TOTAL	236	44	269	78	80,698

\* - cutters underway not on ALPAT

FISHING VESSEL SIGHTINGS\*  
FOR 1988 (THROUGH 31 MAY)

	JA	KS	UR	PL	CH	TW	US	TOTAL
JANUARY	75	9	7	32	0	0	102	225
FEBRUARY	50	23	10	12	6	0	217	318
MARCH	31	19	11	3	4	0	190	258
APRIL	137	31	54	80	2	0	289	593
MAY	70	26	35	8	9	0	705	853
TOTAL	363	108	117	135	21	0	1,503	2,247

\* - Sightings in all EEZ including "donut hole". Sightings may be multiple sightings of one vessel and also include sightings by cutters not on ALPAT

FISHING VESSEL BOARDINGS  
FOR 1988 (THROUGH 31 MAY)

	JA	KS	UR	PL	CH	TW	US*	TOTAL
JANUARY	0	1	0	1	0	0	27	29
FEBRUARY	0	0	0	0	0	0	7	7
MARCH	4	1	4	0	1	0	26	36
APRIL	17	9	5	1	0	0	57	89
MAY	5	5	5	1	0	0	59	75
TOTAL	26	16	14	3	1	0	176	236

\* - includes inport/harbor boardings

The following is a summary of Magnuson Act enforcement actions during the period 1 April - 31 May 1988:

1) 1 April 1988. USCGC STORIS issued reports of violation to the following U.S. stern trawlers for conducting directed joint venture fishing for pollock where incidental pollock bycatch exceeded 20 percent:

SEA DAWN	VESTERAALEN	LADY OF GOOD VOYAGE.
PROGRESS	GUN-MAR	MAR-GUN

2) 1 April 1988. USCGC STORIS issued two reports of violation to Japanese stern trawler KOHOKU MARU NO. 7 for conducting directed joint venture operations for pollock where incidental pollock bycatch exceeded 20 percent and not properly monitoring VHF-FM channel 16. A written warning was also issued for not facilitating the boarding.

3) 2 April 1988. USCGC STORIS issued two reports of violation to U.S. stern trawler NORDIC STAR for fishing without a valid Bering Sea federal fisheries permit and conducting directed joint venture fishing for pollock where incidental pollock bycatch exceeded 20 percent.

4) 11 April 1988. USCGC STORIS issued two reports of violation to Korean factory vessel GAE CHEOG HO for conducting directed joint venture operations for pollock where incidental pollock bycatch exceeded 20 percent and for failure to notify CCGDSEVENTEEN when retrieving a crab pot.

5) 12 April 1988. USCGC STORIS issued reports of violation to U.S. stern trawlers MAR PACIFICO and SLEEP ROBBER for retaining walrus tusks (violation of Marine Mammal Protection Act).

6) 12 April 1988. USCGC STORIS issued two reports of violation to Japanese stern trawler ANYO MARU NO. 18 for conducting directed joint venture operations for pollock where incidental pollock bycatch exceeded 20 percent and for improperly logging discarded catch.

7) 13 April 1988. USCGC STORIS issued report of violation to U.S. stern trawler QUEEN VICTORIA for conducting directed joint venture fishing for pollock where incidental pollock bycatch exceeded 20 percent.

8) 13 April 1988. USCGC STORIS issued two reports of violation to USSR stern trawler MYS OREKHOVA for improperly logging catch and for failure to return prohibited species in a timely manner.

9) 15 April 1988. USCGC STORIS issued a report of violation to U.S. stern trawler PERSEVERENCE for conducting directed joint venture fishing for pollock where incidental pollock bycatch exceeded 20 percent.

Enclosure (2)

10) 22 April 1988. USCGC MORGENTHAU issued a report of violation to Korean stern trawler DAE JIN NO. 52 for conducting directed joint venture operations for pollock where incidental pollock bycatch exceeded 20 percent. A written warning was also issued for improper logging procedures.

11) 24 April 1988. USCGC MORGENTHAU issued a written warning to Japanese stern trawler TSUDA MARU for not using most accurate available method for determining catch weight.

12) 24 April 1988. USCGC MORGENTHAU issued two reports of violation to Korean stern trawler O YANG HO for conducting directed joint venture operations for pollock where incidental pollock bycatch exceeded 20 percent and for improperly logging daily catch disposition. A written warning was also issued for improper logging procedures.

13) 24 April 1988. USCGC MORGENTHAU issued a report of violation to Japanese stern trawler RIKUZEN MARU for not updating catch logs in a timely manner. A written warning was also issued for not using the most accurate available method for determining catch weight.

14) 25 April 1988. USCGC MORGENTHAU issued a written warning to Japanese stern trawler YAMATO MARU for improper logging procedures.

15) 25 April 1988. USCGC MORGENTHAU issued a report of violation to Japanese stern trawler TENYO MARU for failure to update logs in a timely manner. A written warning was also issued for not using the most accurate available method for determining catch weight.

16) 26 April 1988. USCGC MORGENTHAU issued written warnings to the following Japanese stern trawlers for not using the most accurate available method for determining catch weight:

CHIKUZEN MARU	AKEBONO MARU
TENYO MARU NO. 2	TENYO MARU NO. 3

17) 27 April 1988. USCGC MORGENTHAU issued written warning to Japanese stern trawler CHIKUBU MARU for improper logging procedures.

18) 27 April 1988. USCGC MORGENTHAU issued two reports of violation to Japanese stern trawler ZUIYO MARU for failure to update logs in a timely manner and for improper logging procedures. A written warning was also issued for not using the most accurate available method for determining catch weight.

- 19) 11 May 1988. USCGC STORIS/NMFS Kodiak issued two reports of violation to U.S. stern trawler ALEUTIAN TRAWLER for crewmembers assaulting a USCG boarding officer and impeding the boarding, and retention of prohibited species (halibut and salmon).
- 20) 14 May 1988. USCGC MIDGETT issued written warning to Korean stern trawler NO. 602 TAE WOONG for not having hold plans aboard.
- 21) 18 May 1988. USCGC MIDGETT issued two reports of violation to U.S. stern trawler LITTLE BEAR for fishing in a closed trawl area and possession of prohibited species (herring). Marijuana and paraphenalia was found during the boarding and the vessel was directed to Dutch Harbor for inspection by U.S. Customs.
- 22) 19 May 1988. USCGC MIDGETT issued a written warning to USSR stern trawler MYS VODOPADNY for failure to send start JV OPS msg before receiving codend.
- 23) 21 May 1988. USCGC MIDGETT issued a report of violation to Japanese stern trawler ANYO MARU NO. 15 for failure to submit BEGIN and CEASE messages.
- 24) 25 May 1988. USCGC MIDGETT issued a report of violation to U.S. fish support vessel ALEUT PACKER for not having a safe boarding ladder.



U.S. Department of  
Transportation  
Office of the Secretary  
of Transportation

# Transportation Facts

Office of Public Affairs

Contacts: Department of Transportation  
Wendy DeMocker  
Tel.: (202) 366-0237  
U. S. Coast Guard  
Capt. R. Peterson  
Tel.: (202) 267-1587  
U. S. Customs Service  
Dennis Murphy  
Tel.: (202) 566-5286

## SUBJECT: ZERO TOLERANCE POLICY ON ILLEGAL DRUGS

During the early '70s this country began to turn a blind eye to what was then called "recreational" or "casual" drug use. Americans were experimenting with illegal drugs in record numbers, and many thought such personal use would have no serious consequences for the user or the general public. It has taken many people almost two decades to realize that this mindset was dead wrong. Drug abuse kills thousands of Americans each year. It tears families apart. It has brought violent crime to small town America and made what were already dangerous inner-city neighborhoods drug deathtraps. It has turned children not yet in their teens into pushers and junkies.

The illegal drug trade costs this country an estimated \$64 billion every year. Studies indicate that the average drug abuser functions at 67 percent of normal work potential. Today, there are 5-6 million regular cocaine users, more than half a million heroin users and at least 18 million pot smokers. We must face the sad truth. The millions of Americans who use drugs — many of whom have a glamorous view of drugs — have made the United States the most lucrative market for the world's drug suppliers. Consequently, when we make it more costly and more painful for drug users, we gradually make this country less profitable and less attractive for drug smugglers.

With this in mind, earlier this spring the Coast Guard announced the "zero tolerance" approach to drug use on U.S. waters. While the Coast Guard and the Customs Service recognize that their main mission is stopping the large scale smuggler/trafficker, they must also make every effort to reduce consumption of illicit drugs.

## THE POLICY

The zero tolerance policy strict enforcement of existing law is to reduce the demand for illegal drugs and improve safety on the water by taking action against illegal drug possession aboard boats.

- more -

Enclosure (3)



Under the zero tolerance policy, discovery of any amount of illegal drugs on a vessel within the 12-mile limit of United States waters will lead to the seizure of the vessel and the arrest, where appropriate, of those on board. Outside the 12-mile limit, seizure will result if there is exportation or an intent to import any measurable amount of illegal drugs. Under zero tolerance, the Coast Guard will be strictly enforcing the law during the normal course of its duties. Boardings and inspections will continue to be conducted, as in the past, as part of these duties.

### PROCEDURES

The policy is intended to result in prompt action -- to bring into port vessels found to have illegal drugs on board, while making maximum use of limited Coast Guard resources. When a vessel is seized:

- o The Coast Guard may escort the vessel to port, where it will be turned over to the United States Customs Service.
- o If accompanying the vessel to port would jeopardize other Coast Guard missions, the Coast Guard may choose to direct the seized vessel to proceed to port without escort and report to Coast Guard or Customs authorities, who would be notified of the vessel's expected arrival. Failure to comply with an order to report may result in more severe sanctions.
- o Upon receiving a seized vessel, Customs initiates administrative procedures to determine if the owner should be fined and the vessel released, or if additional action should be taken.
- o Customs will issue a notice to the owner, lien holder or any other interested party telling them if the vessel is subject to forfeiture, if there are any penalties, and listing the rights of the parties and actions they may take to contest a proposed Customs forfeiture. Any owner or party in interest may obtain release of a seized vessel upon payment of the full amount of the value of the vessel in cash or in an irrevocable letter of credit.
- o Seizure and forfeiture are civil actions taken against the vessel and should not be confused with criminal charges made against an individual. It is possible that a boat may be seized and forfeiture proceedings undertaken, while those aboard are not arrested or charged.
- o A boat owner may file an administrative petition with the district director of U.S. Customs to present evidence that he or she had no knowledge of illegal drug possession on the vessel and that precautions were taken to prevent drugs from being brought aboard or used on the boat. These mitigating factors will be taken into account, but they are not an absolute defense against forfeiture.

-more-

### REASONABLE PRECAUTIONS

Boat owners have the responsibility to ensure that illegal drugs are not brought aboard their vessels. There are a number of actions they can take in that regard. The following suggestions are provided for bare boat charter operators, fishing boat owner/operators, recreational boat owner/operators, and those engaged in coastal trade:

- o Post a zero tolerance notice in a visible, public area on board the vessel.
- o Ensure that all advertising contains a zero tolerance statement.
- o Make zero tolerance a condition of all contracts for boat leases, rentals, and charters.
- o Have each salaried crew member sign a statement that he or she will not introduce or use illegal drugs on board.
- o Provide drug education for the crew.
- o Establish a written company policy in support of zero tolerance.
- o Report, via radio telephone, to the Coast Guard any possession or use of illegal drugs discovered on board the vessel.
- o Secure those compartments on board the vessel which are restricted to public access.
- o Inform friends and others on board your boat that any illegal drug use will not be tolerated.
- o Provide cooperation and assistance to Coast Guard and Customs officers as they carry out their boarding duties.

It is recommended that boat owners take as many of these precautionary measures as are appropriate. In the event that illegal drugs are discovered by a Coast Guard boarding party, the vessel normally will be seized. The owner/operator's efforts will, however, be considered during the administrative forfeiture proceeding.

For additional information contact:

Commandant (G-TPA)  
U.S. Coast Guard  
Washington, D.C. 20593

Commissioner  
U.S. Customs Service  
1301 Constitution Ave, N.W.  
Washington, D.C. 20229

#####

STATEMENT BY MR. MORIMOTO  
CONCERNING THE ALLEGED ILLEGAL FISHING BY JAPANESE VESSELS  
IN THE U.S. 200-MILE ZONE  
BEFORE THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

June 1988

Mr. Chairman and Members of the Council,

My name is Minoru Morimoto, the Counsellor of the Fisheries Agency, the Government of Japan.

In January of this year, the Government of the United States informed the Government of Japan that an U.S. fishing industry organization --- the Alaska Factory Trawler Association (AFTA) --- had witnessed seven Japanese fishing vessels, including some with covered identifications, illegally fishing within the U.S. 200-mile zone by a privately chartered flight.

Immediately after receiving the information on the alleged violations from the U.S. Government, the Fisheries Agency dispatched its patrol vessel, the Konan-maru No.27, to the Bering high seas and sent its inspectors to the landing ports to investigate the suspected vessels.

With respect to the identified four vessels, out of six Japanese vessels including two unidentified ones which were issued the Notice of Violations and Assessment (NOVA) from the NMFS, the Fisheries Agency conducted intensive hearing and interrogations involving their fishing masters, captains and owners in addition to detailed inspections on their fishing, navigation and operation logs and other related documents.

We also closely examined the videotape provided by the U.S. side in cooperation with specialists in this field with the help of an advanced computer technology and, at the same time, carefully studied the affidavits attached to the videotape in order to identify the two vessels with covered identifications and confirm their violations.

Through the course of the investigation, the Fisheries Agency discovered two additional suspected vessels on top of the six vessels which were issued the NOVA from the U.S. side.

Although we couldn't obtain the confessions from the fishermen and/or material evidences on the allegation of illegal fishing within the U.S. 200-mile zone by the suspected vessels, the Fisheries Agency judged that the violations were committed and decided to impose port confinement penalties of 65 days on all the eight vessels. This measure was taken by the Japanese Government on the strong recognition that strict actions should be taken toward this incident in order to eradicate future violations.

The Fisheries Agency is also taking the necessary procedures for strengthening enforcement activities by taking the following measures. The measures in (1) - (3) below will formally be required as permit conditions effective at the time of permit renewal in August.

- (1) To require all trawl vessels to install a NNSS (Naval Navigation Satellite System), to keep the NNSS position records during their fishing trips, and to submit them to the Fisheries Agency immediately following the completion of their fishing trips
- (2) To require all fishing vessels to completely cover their fishing gears with canvas while they are passing the U.S. 200-mile zone so as to avoid any unnecessary suspicion
- (3) To require all trawl vessels to report daily their noon position and entries into and departures from the Bering high seas area to the Japanese patrol vessels
- (4) To strengthen the enforcement activities of the Japanese patrol vessels at sea through, for example, the extension of patrol periods as the budget allows
- (5) To reinforce the checking activities of the catches at the landing ports

Finally, we strictly instructed the fishing industry to prevent the reoccurrence of violations in the future.

Thank you very much for your attention.