



DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

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16214
05 DEC 80

REPORT TO THE NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL
CONCERNING COAST GUARD FCMA ENFORCEMENT

1. Recent FCMA Infractions. Since the last council meeting 11 reports of violation (civil penalty procedure) and 5 citations (written warning) have been issued. In addition, 2 foreign fishing vessels were seized for severe FCMA infractions. A brief summary of each infraction follows.

a. 8 October. Coast Guard Air Station Kodiak issued three reports of violation to the Netherlands transport vessel ADRIATIC for loading in a closed loading zone on the southside of Umnak Island, failure to display any IRCS identification and failure to notify the Coast Guard of the time and position of beginning fishing operations.

b. 8 October. Coast Guard Air Station Kodiak issued two reports of violation to the West German stern trawler FREDRICH BUSSE for loading in a closed loading zone and failure to notify the Coast Guard of the time and position of a shift in fishing operations.

c. 16 October. Coast Guard Air Station Kodiak issued five reports of violation to the Soviet stern trawler SHTURMAN ELAGIN for failure to comply with instructions to facilitate law enforcement efforts by an authorized Coast Guard aircraft. This vessel was located fishing in the Bering Sea, in a area where the Soviet Union has no allocation of fish for 1980. *NOAA Gen Counsel - he left* *u file on at*

d. 24 October. USCGC MELLON seized the Japanese longliner RUYHO MARU No. 38 approximately 90 miles southeast of Kodiak for underlogging her catch of sablefish by 40% and a corresponding overlogging her catch of other species. *follow up* This vessel was previously seized for an underlogging violation in December 1979. *2nd violation - first was all 1 day before the seizure*

e. 14 November. USCGC SHERMAN issued a citation to the Japanese fishing vessel HATSUE MARU No. 68 for failure to properly maintain its daily cumulative catch log resulting in an underlogging of 56.91 MT. Improper log keeping was due to their converting to round weight from product weight by multiplying the difference of the PRR rather than dividing by the PRR.

→ trying to revoke permit because of 1st 2nd violation

f 14 November. USCGC MELLON issued a citation to the South Korean trawler JINAM No. 305 for failure to properly maintain its daily cumulative catch log on an annual basis.

g. 15 November. USCGC MELLON issued a citation to the Japanese longliner HATSUE MARU No. 38 for failure to properly maintain its daily cumulative catch log on an annual basis.

h 18 November USCGC SHERMAN issued a report of violation to the Polish stern trawler KOLIAS for failure to properly maintain its daily cumulative catch log. Whole fish were logged as "C" vice "M" and approximately 193 MT of whole round pollock converted to meal was logged as "C"

i. 19 November. USCGC SHERMAN issued two citations to the Polish cargo training vessel KAPITAN LEDOCHOWSKI for fishing without a proper permit onboard and failure to properly display an IRCS on all appropriate areas. This vessel is a training ship for maritime cadets and was making transfers of fish meal primarily for training.

j. 21 November. USCGC JARVIS seized the Polish fishing vessel KALMAR approximately 125 miles northwest of St. Paul Island for retention of a prohibited species. The boarding party discovered commercially processed frozen salmon in the vessel's freezer holds. case \$137,500 settlement - 300 lbs of salmon
1 yr permit revocap 12-8-80

- Enclosure:
- (1) Coast Guard Patrol Effort
 - (2) Analysis of Boardings and Enforcement Incidents
 - (3) Surveillance Standard Analysis for Independent Fishing Vessels
 - (4) Boarding Standard Analysis for Independent Fishing Vessels

settled by Kalmar

\$250,000 settlement -
4 mo suspension

COAST GUARD PATROL EFFORT (1980)

	CUTTER PATROL DAYS	AIRCRAFT PATROLS HOURS	MILES PATROLLED	FISHING VESSEL IDENTIFICATIONS								FISHING VESSEL BOARDINGS							
				JA	KS	PL	TW	MX	UR	GW	TOTAL	JA	KS	PL	TW	MX	UR	GW	TOTAL
JANUARY	59	146	26308	328	129	25	4	0	63	0	549	9	4	2	1	0	1	0	17
FEBRUARY	52	161	32963	228	30	79	16	0	48	0	401	18	5	9	3	0	5	0	40
MARCH	40	143	28213	391	17	49	14	0	34	0	505	5	0	2	0	0	4	0	11
APRIL	45	135	20688	222	56	78	7	0	44	0	407	9	5	1	0	0	10	0	26
MAY	35	127	30873	306	57	53	12	0	68	0	496	11	3	4	0	0	0	0	18
JUNE	48	141	25641	273	45	20	2	0	60	0	400	15	6	1	0	0	11	0	33
JULY	87	139	34427	501	52	1	8	0	63	0	625	44	4	0	0	0	3	0	51
AUGUST	79	142	34863	546	87	0	1	0	62	3	703	30	6	0	0	0	6	0	42
SEPTEMBER	61	149	47097	566	117	3	0	0	24	179	889	7	6	0	0	3	1	0	17
OCTOBER	37	140	54090	515	84	32	0	0	19	234	884	6	1	0	0	0	0	0	7
NOVEMBER	73	125	49177	505	144	206	0	0	1	104	960	11	4	15	0	0	0	0	30

**ANALYSIS OF BOARDING AND ENFORCEMENT INCIDENTS
(BOARDINGS/INCIDENTS) ***

	JAPAN	USSR	S. KOREA	POLAND	TAIWAN	MEXICO	ALL	%BOARDINGS RESULTING IN INCIDENT
JAN	9/1	1/1	3/3	2/0	2/0	0/0	17/5	29%
FEB	18/3	5/0	5/0	9/5	3/2	0/0	40/10	25%
MAR	5/1	4/1	0/0	2/1	0/0	0/0	11/3	27%
APR	10/0	10/1	5/0	1/0	0/0	0/0	26/1	04%
MAY	11/2	0/0	3/2	4/0	0/0	0/0	18/4	22%
JUN	15/1	11/4	6/2	1/0	0/0	0/0	33/7	21%
JUL	44/2	3/2	4/0	0/0	0/0	0/0	51/4	08%
AUG	30/3	6/1	6/1	0/0	0/0	0/0	42/5	12%
						W. GERMANY		
SEP	7/6	3/1	6/1	0/0	0/0	1/1	17/9	53%
OCT	6/1	0/0	1/0	0/0	0/0	0/0	7/1	14%
NOV	11/2	0/0	4/1	15/4	0/0	0/0	30/7	23%
CUMULATIVE								
TOTAL	166/22	43/11	43/10	34/10	5/2	1/1	292/56	19%

***NOTE: DOES NOT INCLUDE INFRACTIONS DETECTED BY MEANS OTHER THAN BOARDING**

SURVEILLANCE STANDARD ANALYSIS
FOR INDEPENDENT FISHING VESSELS

TIME PERIOD	NUMBER OF F/V ON GROUNDS FOR ENTIRE PERIOD	NUMBER F/V ON GROUNDS FOR ENTIRE PERIOD THAT WERE SIGHTED	%SIGHTED
19 MAY 01 JUN 80	144	89	62
26 MAY - 08 JUN 80	135	95	70
02 JUN - 15 JUN 80	131	88	67
09 JUN - 22 JUN 80	122	90	74
16 JUN 29 JUN 80	123	102	83
23 JUN - 06 JUL 80	132	93	70
30 JUN - 13 JUL 80	140	93	66
07 JUL - 20 JUL 80	136	98	72
14 JUL - 27 JUL 80	134	92	69
21 JUL - 03 AUG 80	144	108	75
28 JUL - 10 AUG 80	139	119	86
04 AUG - 17 AUG 80	138	110	80
11 AUG - 24 AUG 80	136	117	86
18 AUG - 31 AUG 80	134	108	81
25 AUG - 07 SEP 80	247	190	77
08 SEP - 21 SEP 80	248	211	85
22 SEP 05 OCT 80	248	184	74
06 OCT - 19 OCT 80	200	136	68
20 OCT - 02 NOV 80	153	135	88
03 NOV - 16 NOV 80	142	115	81
17 NOV 30 NOV 80	111	85	77

Enclosure (3)

BOARDING STANDARD ANALYSIS FOR INDEPENDENT FISHING VESSELS

MONTH	GOAL	ACTUAL BOARDINGS	ACHIEVED
JANUARY	40	17	43%
FEBRUARY	49	40	82%
MARCH	45	12	24%
APRIL	41	26	63%
MAY	56	18	32%
JUNE	53	33	62%
JULY	62	51	82%
AUGUST	62	42	68%
SEPTEMBER	50	17	34%
OCTOBER	48	07	15%
NOVEMBER	47	30	64%
CUMULATIVE TOTAL	553	293	53%

NOTE: BOARDING GOAL IS TO BOARD EVERY INDEPENDENT FOREIGN FISHING VESSEL ONCE PER QUARTER

Fisheries Agency
Ministry of Agriculture,
Forestry and Fisheries
1-2-1 Kasumigaseki
Chiyoda-ku, Tokyo,
Japan

December 5, 1980

Dear Mr. Ambassador:

I wish to refer to the discussion on October 28, 1980, at your office in Washington, D.C.

During that discussion, you brought to the attention of our government and fishing industry the recent repeated violations by Japanese fishing vessels in the Bering sea and the Gulf of Alaska. You also asked me to respond quickly to your request that we investigate the reasons for the repeated violations and inform you of the measures which our Government and fishing industry have taken and will take with a view toward eliminating any violations.

I fully share your deep concern that, should this situation not be rectified, it would develop into unfortunate distrust of all Japanese fishing operations conducted within the US FCZ. This might eventually have a considerably adverse impact on the mutually beneficial fisheries relations between our countries. It is with this serious and sincere consideration on our part that we, at this stage, are determined to endeavor strengthening preventive measures for fishin violations.

Also as I stated at that occasion, we request that the U.S. side take the necessary measures to ensure that the Japanese patrol vessels be supplied at Dutch Harbor and at Seward.

While you appreciated our readiness and willingness to address this issue as we discussed on November 26, at your office in Washington, D.C., you asked me to send a letter outlining what I had explained orally.

Ambassador Morris D. Busby
December 5, 1980
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Accordingly, I am pleased to attach herewith my explanation in writing.

I sincerely hope that our continued efforts toward eliminating violations and our fishermen's increased consciousness of the grave import of this issue will contribute to rectifying the situation.

Sincerely,

Tatsuo Saito
Councillor
Fisheries Agency
Japanese Government

TS:th

Attachment

Ambassador Morris D. Busby
Bureau of Oceans and International
Scientific Affairs
Department of State
Washington, D.C. 20520

1. Conceivable Causes of the Violations

(1) Rising Fuel and Labor Costs Caused Difficulties in Fishing Management

The cost of fuel oil which began to rise rapidly in the middle of last year, coupled with steadily increasing labor costs, caused small to medium scale fishermen to suffer considerably. In the case of the so-called Hokuten trawlers, for example, it is believed that fuel oil will account for approximately 30% of their total costs in 1980, due to the large engines in relation to their vessel size requiring the use of large amounts of fuel oil. Some fishing masters of these vessels, therefore, tended to concentrate their efforts on catching fish of strong demand in the Japanese market, such as red fish (POP, rockfish, etc.) and flounders, in order to relieve themselves and their crewmembers from the high cost squeeze. Therefore, some of these vessels rapidly reached their quota allocations of these species. Such a situation is considered to be one of the reasons for underlogging of these species.

(2) Some Fishermen Lacked Adaptability to the Rapidly Changing International Fishing Environment

Some small to medium scale fishermen fishing within the U.S. FCZ in particular, still found it

somewhat difficult to change their conservative approach of unrestricted competition which has been cultivated historically. They had difficulty in adjusting themselves to the rapidly changing international fishing restrictions. These factors sometimes rendered instructions and education of the crew insufficient and ineffective, contributing to one of the causes of the violations.

2. Measures Already Taken and to Be Taken

Based on the above analysis of the causes of the repeated violations, and admitting that our past efforts in eliminating violations have not been entirely successful, we will strengthen our efforts, particularly in the following areas.

- (1) We have taken every opportunity to ensure the proper training and educational opportunities for captains, operators, fishing masters and, to the greatest extent possible, crewmembers.

As far as annual training and educational seminars are concerned, next year we will offer the seminar at least twice, around the beginning of the year and in August, and make it more substantial.

- (2) In the past years, Japanese vessel operators, particularly Hokuten trawlers, conducted their businesses based upon the philosophy that, the larger the costs are, the bigger the catch should be without thinking of

minimizing costs. However, under the present cost squeeze coupled with a catch limited by quotas, operators need to take a variety of measures to rationalize and streamline their management.

One of these measures is that we will encourage Hokuten operators to consolidate their management and adopt a new system in which more than one vessel belong to one operator, compared to the present system in which, generally one vessel belongs to one operator. This will reduce some managerial costs, since operators can lessen office cost and onshore supporting staff costs. Also, their procurement costs would be reduced due to improved economies of scale.

Another measure will be to encourage them to build fuel efficient vessels applying modern technology when they acquire new vessels.

- (3) We have already stationed one Japanese patrol vessel year-round in the U.S. FCZ. Starting next year, we will double the number of patrol vessels and have them conduct instructive and preventive activities more effectively.
- (4) In the past, inspection at landing ports has been conducted by one or two inspectors on the spot. However, the size of the landing by even one vessel is too huge to be effectively covered by such limited

number of inspectors. Starting next year, port inspections will be intensified by using our patrol vessels and their crewmembers together with the inspectors on land for inspections of catches before landing.

- (5) We will strengthen administrative sanctions for the serious violations. For example, the period of suspension of the fishing license for the vessels involved will be extended as follows, from January 1, 1981 for violations which occur on and after January 1, 1981.

Kind of Violation	Standard Suspension Period	Maximum Suspension Period
Underlogging	60 days (present 30 days)	150 days (present 100 days)
Possession of Prohibited Species	90 days (present 30 days)	200 days (present 100 days)

In addition, with respect to repeated violations within a 12 month period, the violator's fishing licenses may be suspended up to a period of twice the amount of the maximum days as provided above.

This amended sanction is so severe as to lead to practical bankruptcies of small scale fishing enterprises. Though this is not our first preference,

we feel that this severe measure is necessary at this stage to rectify the situation.

- (6) To prohibit a person from boarding a vessel is difficult, since it implies not only depriving him of a job but also imposing social death in the Japanese traditional fishing community. However, we will study the possibility of issuing administrative orders to prohibit captains or fishing masters who commit serious and flagrant violations from boarding any vessel engaged in the fishery concerned for a certain period.