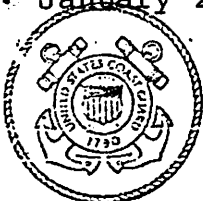


January 28, 1977



## DEPARTMENT OF TRANSPORTATION

## UNITED STATES COAST GUARD

MAILING ADDRESS:  
 COMMANDER (oil)  
 17TH COAST GUARD DISTRICT  
 FPO SEATTLE 98771

.16214

JAN 1977

From: Commander, Seventeenth Coast Guard District  
 To: Commandant (G-0)

Subj: Draft DOC Foreign Fishing Regulations

Ref: (a) COMDT (G-0) ltr 16214 of 10 Dec 76  
 (b) COMDT (G-000) 240815Z Dec 76

1. The draft DOC Foreign Fishing Regulations, as published in the Federal Register of 23 December 1976, have been reviewed by my staff and the following comments are submitted.

2. General Comments.

a. All times and dates specified within the regulations should be stated in terms of Greenwich Mean Time (GMT). The effective time for implementation of the FCZ should also be stated.

b. Foreign fishing vessels destroying or damaging U. S. fixed gear should be required to report gear conflict incidents to the Coast Guard immediately upon occurrence to facilitate a prompt investigation of the matter. Foreign fishermen should also be required to cooperate with U. S. enforcement officials conducting gear conflict investigations.

c. The provisions of 50 CFR 295 (CSFR - Final Standards for Compliance) will expire 28 February 1977. The significant features of 50 CFR 295 should be incorporated into Subpart A of 50 CFR 611 as deemed appropriate.

d. Foreign fishing vessels utilizing fixed gear (e.g., crab, snail, and sablefish fisheries) should be required to mark the gear in some manner which will indicate the ownership of the gear. This provision would assist enforcement personnel when enforcing closed area regulations.

e. Subpart G (North Pacific and Bering Sea) could be made more concise by combining the regulations concerning statistical reports.

f. Regulations concerning the Japanese high seas salmon fishery and the Canadian troll salmon are omitted. If it is intended that regulations concerning these fisheries be promulgated at a later time, it is recommended that an annotation be made that sections are being reserved.

3. The following comments apply to specific sections of the regulations as indicated:

a. 611.2 Definitions. The definition of the term "vessel days on the grounds" is too restrictive in that it only applies to the Washington-California

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trawl fishery. The definition should not be tied to one fishery since it has application in the regulation of several fisheries.

b. 611.5(b) Vessel Identification. This section could be amended to indicate the manner in which an authorized officer will request illumination of identifying marks. Add: An authorized officer may request illumination of the identifying markings by means of the signal "CS" from the International Code of Signals which means "What is the name or identity signal of your vessel?".

c. 611.8(c) Observers. Change to read as follows in order to comply with Coast Guard regulations concerning vessel entries:

(1) Cause the vessel to proceed to such places and at such times as may be directed by the Regional Director of the National Marine Fisheries Service for the purpose of embarking and debarking the observer. The vessel shall:

(a) Provide the Coast Guard with 24 hours advance notice of arrival when entering U. S. territorial waters in accordance with 33 CFR 124.10.

(b) Soviet, Polish, Romanian, Bulgarian, East German, and Cuban flag vessels shall also comply with special notification requirements stipulated in various U. S. policies or international agreements.

d. 611.91 Gulf of Alaska Trawl Fishery.

(1) Paragraph (a). The boundaries for the Gulf of Alaska trawl fishery need to be defined. The use of the terms "near 170°W" and "near 54°-30'N" is inadequate for enforcement purposes.

(2) If the western boundary of the Gulf of Alaska trawl fishery is designated at 170°W, it would be appropriate to note in this section that the rule promulgated by the Bering Sea/Aleutian trawl fishery section [611.92(c)(2)] concerning fishing within the CFZ applies to the Gulf of Alaska trawl fishery.

(3) The Preliminary Management Plan (Sep 1976 Draft, paragraph 2.4.1.1c) contains a restriction that no foreign fishing for herring be allowed; this restriction is not reflected in the draft regulations. If DOC intends to retain this restriction, it should be stated in terms of "fishing for or retention of" to facilitate enforcement.

e. 611.92 Bering Sea and Aleutian Trawl Fishery.

(1) Paragraph (c)(2) [and section 611.93(c)(2)]. The sentence structure in this section can cause confusion. This section should be clarified in order to indicate when and where loading is authorized in conjunction with either longline or dragnet fishing within the CFZ.

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(2) Paragraph (c)(2) [and section 611.93(c)(2)]. This section differentiates between the Bering Sea coast and Pacific coast of the Aleutian Islands without delineating a dividing line. To resolve this problem the dividing lines promulgated by Commandant (G-OSR-5/73) letter 5902/13 of 1/10/73 should be incorporated into 50 CFR 611.

f. 611.93 Sablefish (Blackcod).

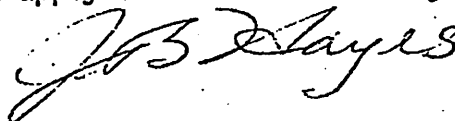
(1) The same general restrictions that apply to the Gulf of Alaska and Bering Sea trawl fisheries [e.g., section 611.91(g)] regarding proscribed species (salmon, halibut, CSFR, shrimp, or scallops) and fishing within 12 miles of the baseline [except as specified within section 611.93(c)(2)] should be applied to the entire sablefish fishery.

(2) Paragraph (d). This section prohibits any foreign fishing for sablefish with any gear shoreward of the 500 meter depth contour in the Gulf of Alaska. This section, as presently worded, is unnecessarily restrictive, in that the intent of the section is to make it unlikely that foreign longline fishermen would harvest halibut. The section should be reworded to apply only to longline and trap fishing for sablefish.

g. 611.94 Snails.

(1) Paragraph (c). The term "Bering Sea" is used without delineating the boundary between the Aleutian Islands and the Bering Sea.

(2) The same general restrictions that apply to the Gulf of Alaska and Bering Sea/Aleutians trawl fisheries [e.g., section 611.91(g)] regarding proscribed species (salmon, halibut, CSFR, shrimp, or scallops) and fishing within 12 miles of the baseline should apply to the snail fishery.



J. B. HAYES

Copy to:  
All NPFMC members  
NMFS Juneau  
COMPACAREA (Po1)