

Agenda Item 8  
May 1978

# NICHIRO GYOGYO KAISHA, LTD.

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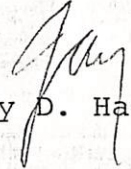
May 23, 1978

Mr. Jim Branson  
Executive Director  
North Pacific Fishery Management Council  
P.O. Box 3136 DT  
Anchorage, Alaska 99510

Dear Jim:

Enclosed for your information is a copy of the comments on the fishery management plan for Tanner crab which will be submitted to the Secretary of Commerce next week by the Japanese industry. These comments should probably be placed in your public file for review by Council members and the general public.

Sincerely,

  
Jay D. Hastings

Enclosure

MAY 24 1978

COMMENTS  
ON THE  
FISHERY MANAGEMENT PLAN AND FOREIGN FISHING REGULATIONS FOR THE  
TANNER CRAB FISHERY OF THE EASTERN BERING SEA

Submitted by the  
JAPANESE TANNER CRAB INDUSTRY

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The Japanese Tanner Crab Industry would like to offer the following comments on the proposed fishery management plan (FMP) and foreign fishing regulations for the 1978 eastern Bering Sea Tanner crab fishery published in the Federal Register on May 16, 1978, for public review. We have carefully reviewed the proposed plan and regulations and strongly feel the goals and objectives of the plan could be better served if the fleet separation line was modified to allow foreign fishing south of 58° N latitude and west of 173° W longitude for the remainder of the 1978 foreign fishing season.

Two basic objectives of the Tanner Crab management regime for the eastern Bering Sea Tanner crab fishery are:

- (1) Separate the two species of Tanner crab, C. bairdi and C. opilio, and reserve the entire optimum yield (OY) for C. bairdi exclusively for United States fishermen;
- (2) Separate the domestic and foreign fleets to protect against gear conflict.

A fleet separation line along 58° N latitude and 173° W longitude is clearly consistent with these two basic objectives of the plan, the national standards for fishery conservation and management, the other provisions of the Fishery Conservation and Management Act, and other applicable law. With respect to the objective reserving the OY for C. bairdi for U.S. fishermen, the OY figure of 89,000,000 pounds in the plan basically includes only that portion of the C. bairdi stock lying south of 58° N latitude and east of 173° W longitude. This figure was calculated from the results of the 1977 National Marine Fisheries Service Tanner crab survey which did not cover the area west of 173° W longitude. The most recent survey covering the area beyond 173° W longitude was the 1975 Outer Continental Shelf Survey.

Turning to the second basic objective of the plan, a fleet separation line at 173° W longitude will effectively separate the U.S. and Japanese fleets and prevent any gear conflict. In previous testimony before the North Pacific Council and comments to the Secretary of Commerce, the Japanese industry supported a fleet separation line as far east as 171° W longitude. At that time the Japanese industry was not fully convinced the U.S. fleet would be shifting a major fishing effort west of the line. During the 1977 season only one U.S. vessel ventured west of 171° W longitude for a single trip. However, taking into consideration the status of the resource between 171° W and 173° W and the fact that the OY figure for C. bairdi in the plan included that portion of the stock

east of 173° W longitude, the Japanese industry felt that a fleet separation line at 173° W longitude would be the more reasonable alternative to support in order to give U.S. fishermen the benefit of the doubt and avoid any possible gear conflict. Comments were submitted to the Secretary of Commerce accordingly on March 1, 1978. In addition, the Japanese agreed to fish south of 58° N latitude and west of 173° W longitude for a two-month period only and return all C. bairdi to the sea.

During the current period for public comment on the proposed FMP, the Japanese industry again urges that the fleet separation line be modified to allow Japanese fishing south of 58° N latitude and west of 173° W longitude. As of May 21st, only two U.S. vessels have ventured west of 171° W longitude for two trips. Without a major shift of U.S. effort into the areas west of 171° W longitude, the fleet separation line should be modified to allow Japanese fishing west of 173° W longitude in order to spread the fishing effort over the fishery and more efficiently utilize the resource.

Respectfully submitted,

Mr. Takuji Kato  
Japanese Tanner Crab Industry

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May 1978

Itemized List of Comments and Requests

presented by

THE NORTH PACIFIC LONGLINE AND

GILLNET ASSOCIATION

(Japan)

on

PROPOSED FISHERY MANAGEMENT PLAN

GROUND FISH OF THE GULF OF ALASKA

and

50 CFR Part 611, Amendments to Regulations

on Gulf of Alaska Trawl Fishery and the

Sablefish (Blackcod) Fishery

70 FAC and 611.92(b) (1)

1. Sablefish Quota - maintain at least level of FAC of 8,000 MT as in PMP.
2. Increase in Pacific Cod quota as recommended and adopted by RC.

8.3.21 D(1) (a) and 611.92(c)

3. Opening of the proposed closures:
  - (1) Reopening of Davidson Bank (PMP).
  - (2) Area between 169-170° West, within 3 miles and 12 miles (PMP).
  - (3) Opening of the area east of: 140° West (FMP); 141° West (Regulation); 137° West (PMP).

8.3.21 A and 611.92(b) (1)

4. Discontinuation of using INPFC Statistical Areas.

8.3.21 B and 611.92(b) (2) (iii)

5. Lift the limit in taking national quota less than 25% of the total from December 1 - May 31.

8.3.23 A and 611.92(b) (2) (i) (A) (B)

6. Withdrawal of the provision to the effect that if a foreign nation has caught its allocation of any species apportioned to each major statistical area, all further fishing by that nation be terminated in the area for the remainder of the calendar year.

8.3.21 D(3) (b) and 611.92(d) (3) (ii)

7. Relaxation of restriction on fishing in the waters landward of 500 m. contour to, for example, 400 m., east of 157° West.



DEPARTMENT OF TRANSPORTATION  
UNITED STATES COAST GUARD

Address reply to:  
COMMANDER (oil)  
Seventeenth Coast Guard District  
P.O. Box 3-5000  
Juneau, Alaska 99802  
(907) 586-7363

16214

22 MAY 1978

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

Subj: Proposed U. S. Fishing Regulations to Implement the GOA Management Plan (50 CFR 672)

1. The proposed regulations (50 CFR 672), designed to implement the FMP for groundfish of the Gulf of Alaska, have been reviewed. It is recommended that the following comments be forwarded to NOAA prior to the 4 June 1978 deadline specified in the Federal Register.
2. Section 672.2(d). The definition of "directed fishery" is somewhat vague. It is recommended that the term be defined as it is in 50 CFR 611.12. This change would include a rebuttable presumption that any haulback which contains more than 50 percent of a certain species is an indication of a directed fishery for that species.
3. Section 672.3(b). When the Regional Director determines that OY for any species group has been reached, the area shall be closed to fishing. The purpose of this approach is apparently to encourage each nation engaged in fishing, including the U. S., to adjust its strategy to avoid exceeding an allocation for any species group. However, the regulation as written, does not allow closure of the U. S. fishery when a DAH has been reached. Therefore, under some circumstances, U. S. fishermen may grossly exceed their DAHs without risking the termination of their fishery. Two factors mitigate the seriousness of this problem. First, 20% of each OY is set aside as a reserve and the reserve can function as a buffer against moderate U. S. overfishing. Second, the Regional Director is allowed to make in-season changes to area closing dates according to Section 672.8. It is possible that the authority could be used when a DAH has been reached even though the applicable OY has not.
4. Section 672.3(c). There are two difficulties associated with Section 672.3(c). First, as written, the regulation would require U. S. fishermen to return species to the sea for which the OY is zero. OY should be changed to DAH. Second, the regulation places an undue hardship on U. S. fishermen by obliging them to return incidentally taken squid and Atka mackerel to the sea (DAH is zero for these species). It is recommended that the DAH for squid and Atka mackerel be increased from "zero" to "trace".
5. Section 672.4. The retention of halibut by a vessel fishing under the Groundfish of the Gulf of Alaska plan is prohibited by IPHC, yet 672.4 creates the impression that incidentally caught halibut may be

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retained. At the very least, the cited section should be amended to state that retention of halibut is prohibited by IPHC. A preferable solution would be to amend Section 672.4 to prohibit the retention of halibut. This would allow prosecution of halibut violations under FCMA civil procedures rather than the more cumbersome North Pacific Halibut Act which only allows criminal prosecution. A prohibition against the retention of halibut would be consistent with objective B of the FMP which is "Protection of the Pacific Halibut resource.....).

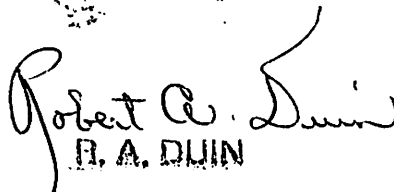
6. Section 672.5. This section describes the procedure for closing an area to fishing, but it does not prohibit fishing in a closed area. A subparagraph should be added to this effect.

7. Section 672.6(a). Gear restrictions are placed on U. S. trawl vessels between certain dates of the year. Greenwich Mean Time should be added to the dates to remove any ambiguity concerning the periods in which the gear restrictions apply. Subparagraph (a)(1)(ii) requires U.S. trawlers to employ a net-sonde device during a portion of the year. A review of the FMP does not show justification for these devices on U.S. vessels, and the recollection of Coast Guard personnel who attended the applicable Council sessions was that the Council had rejected the requirement for a net-sonde device on U.S. trawlers.

8. Section 672.9. There apparently is no requirement for U.S. fishermen to maintain catch and effort logs on the fishing grounds. At the very least, there should be a logging requirement for incidentally taken halibut. Some thought should also be given to more extensive logging requirements similar to those imposed on foreign fishermen by 50 CFR 611.9.

9. A paragraph should be added to require U.S. fishermen to mark their fixed gear with the identification of the vessel.

10. The regulations as a whole are clearly designed to enhance the growth of the U.S. ground fishery. This philosophy will cause some difficulty for at-sea enforcement. Particularly, the regulations dealing with off bottom trawling, the one hour time limit for trawling, and the requirement to accurately report catch and effort data can easily be circumvented. The foregoing is not a complaint against the regulations; it is merely an observation. In the future, when the U.S. fishery has grown, the Seventeenth Coast Guard District will support the drafting of more enforceable regulations. In view of the high interest in joint U.S./foreign fishing ventures, that day could be close at hand.

  
R. A. DUIN

Copy to:  
NPFMC  
NMFS Juneau  
PACAREA (Pol)

May 1978 #8

(oil)

(907) 586-7363

16214

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

Subj: Proposed Foreign Fishing Regulations to Implement the GOA  
Management Plan (50 CFR 611.92)

1. The proposed regulations (50 CFR 611.92), designed to implement the Fisheries Management Plan for groundfish of the Gulf of Alaska, have been reviewed and the following comments are offered as a means to improve the effectiveness and enforceability of the proposed regulations. It is recommended that these comments be forwarded to NOAA prior to the 4 June 1978 deadline specified in the Federal Register.

2. Section 611.92(b)(3)(i), 611.92(d)(3), and 611.92(e)(2)(B). These sections taken as a whole accomplish two things. First, longlining for Pacific Cod landward of the 500 meter isobath, which is otherwise proscribed, is permitted west of 157°W. This is in accordance with the management principles expressed in section 8.3.2 of the FMP. Second, as written, trawlers may not conduct a directed fishery for Pacific Cod landward of the 500 meter isobath west of 157°W. Since the definitions of "incidental" and "directed" fisheries are imprecise, the cited sections could be interpreted as prohibiting a trawl fishery landward of the 500 meter isobath west of 157°W in which a significant minority of the fish are Pacific Cod. This possible restriction on foreign trawlers was not the intent of the North Pacific Fishery Management Council. It is recommended that sections 611.92(b)(3)(i) and 611.92(e)(2)(B) be deleted and that the following be substituted for 611.92(d)(3):

"(3) Longline. The following areas in the Gulf of Alaska shall be closed to foreign longline fishing:

(i) East of 141°W longitude year round.

(ii) Between 141°W longitude and 157°W longitude landward of the 500 meter depth contour year round.

(iii) West of 157°W landward of the 500M depth contour if either of the following conditions are met.

(A) The area in question is closed to halibut fishing by IPHC regulations.

(B) The Regional Director, in accordance with procedures in 611.15(c) determines that the total harvest of Pacific Cod west 157°W longitude has reached 4000 metric tons (if no reserve has been allocated to foreign nations); or 4,000 metric tons plus the amount of any allocated reserve to a limit of 6,233 metric tons."

COPY



Subj: Proposed Foreign Fishing Regulations to Implement the GOA  
Management Plan (50 CFR 611.92)

3. Section 611.92(b)(3)(ii). This section states that only longliners may conduct directed fisheries for sablefish. Given the vagueness of the distinction between "directed" and incidental" fisheries and recognizing that the FMP no longer has a separate allocation for incidental and directed sablefish fisheries, it is recommended that the cited section be deleted.

4. Section 611.92(c) and 611.92(d). These sections read literally do not prohibit foreign fishing landward of the 12 mile line although such a prohibition is clearly intended. It is recommended that a new section 611.92(d)(1)(v) be added: "(v) within 12 miles from the baseline used to measure the U.S. territorial sea".

5. Section 611.92(e)(1). Add the following sentences: "All dates in 611.92(e) are inclusive. Time periods begin and end at 0800 GMT on the dates specified."

6. Section 611.92(e)(1)(B). Add the following sentence: "Net-sonde read-outs shall be marked with the GMT date and time each trawl begins and ends." This change will aid enforcement officer's greatly and will make it quite clear to the foreign trawlers that we intend to carefully monitor compliance with the pelagic trawl regulations.

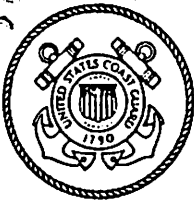
7. The proposed reduction to the Atka Mackerel TALFF (proposed change to Table I of Section 611.20) will have the immediate effect of closing most or possibly all statistical areas in the Gulf of Alaska to Soviet fishing for the remainder of 1978. The following table indicates the effect that TALFF reduction to 17,840 MT will have on the various nations fishing the Gulf of Alaska.

ATKA MACKEREL

	NEW ALLOCATION (MT)	CATCH THRU 4/22/78 (MT)	PERCENT TAKE
JAPAN	1,600	143.3	8.9%
USSR	17,256	17,249.0	99.9%
S. KOREA	80	0	0
POLAND	824	0	0
MEXICO	80	0	0
TOTAL	19,840	17,392.3	87.6%

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NMFS Juneau  
NPFMC

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DEPARTMENT OF TRANSPORTATION  
UNITED STATES COAST GUARD

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COMMANDER  
Seventeenth Coast Guard District  
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