

Agenda Item #6

Permit Applications for Council Review

August 25-26, 1977

- JA-77-0341 - KONGO MARU - a 3,250 g.t. factory stern trawler asks to fish in Bering Sea, Aleutian Islands, and Gulf of Alaska for a portion of the Japanese allocation of groundfish in those areas.
- JA-77-1087 - SHINANO MARU - an 8,850 g.t. refrigerated transport (has been used in past years as a salmon gillnet mothership) asks to support ships in fisheries off Alaska. No fishing capacity.
- JA-77-1088 - KIZAN MARU - 8,860 g.t. refrigerated transport asks to support ships in fisheries off Alaska. No fishing capacity. This ship has worked as a factory ship in the groundfish fishery in the past, though intermittently and usually only for yellowfin sole.
- JA-77-0377 - DAISHIN MARU NO. 18, a 990 g.t. stern trawler asks to fish for a portion of the Japanese allocation in the Gulf of Alaska, Bering Sea and Aleutians from October thru December. Freezing capacity only.



Agenda Item #6, Aug. 1977

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Washington, D.C. 20235

F35/WPA

200-01

AUG 3 1977

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

Dear Jim:

This is in reply to your letters of June 27 and 29, 1977, regarding applications for permits.

We are fully in accord with your concern that no additional permits be issued which could conceivably be construed as authorizing activities not envisioned when the permits were issued, particularly as concerns joint ventures. In the case of the French refrigerated transport SOUGUETA, however, a commitment was made to the Polish government that they could employ vessels of other nations to support their west coast and Alaskan fisheries. In order that we might honor that commitment, an amendment to 50 CFR 611.10 has been issued which is intended to permit support activities by vessels of GIFA nations not having an allocation in the fishery only on a case-by-case basis. A copy of the transmittal to the Federal Register is enclosed. There being no indication from the application that the intended use of the SOUGUETA differs from the normal use of a vessel supporting Polish fisheries, the Council's desire for more specific data is not understood. If the Council can be more explicit, we will do our best to supply additional information.

The following additional actions have been taken to tighten our control of activities which may be undertaken under permits. First, any permits to be issued to vessels not currently holding permits will prohibit the permittee from supporting U.S. flag fishing vessels unless specifically authorized. Second, procedures have been proposed for amending the permits of vessels currently holding permits when such amendment is required for "conservation and management." A copy of the proposal is enclosed.

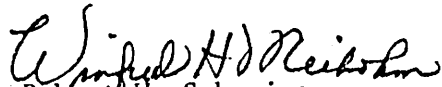


The Council recommended disapproval of the application for the Polish reefer HALNIAK due to incompleteness of the application and due to uncertainty as to the intended area of operation. A review of the application indicates only three items not completed, namely; Species, Contemplated Catch, and Gear to be Used. We feel these items are not required for either meaningful review of the application or issuance of a permit for a reefer. It is reasonable to assume that the species involved will be those for which Poland has allocations. There is no contemplated catch of the vessel and no fishing gear will be used. Knowledge of the intended meaning of the designated ocean area, Northeast Pacific, led the Department of State (DOS) to forward the application to both your Council and the Pacific Council for comments. The HALNIAK is expected to be used in support of Poland's fishery in the Gulf of Alaska.

The Council should be reminded that the forwarding of applications for review is the responsibility of DOS rather than NMFS. The Department of State is constrained, however, in their schedule of forwarding applications by receipt of the applications from foreign nations. It might also be borne in mind that the schedule of Council meetings is not at all compatible with the minimum legal application review period of 7 days as specified in the Fishery Conservation Zone Transition Act. Lacking action by the Council to designate either a subcommittee or the Executive Director to act for it on applications between Council meetings, there is a natural tendency to rush applications to the Council rather than suffer the 4-weeks delay in receipt of Council comments.

Hopefully having satisfactorily addressed the Council's concerns with regard to the SOUGUETA and HALNIAK, their applications are being approved. The Council's comments on these and other applications are very much appreciated. If there are any remaining questions regarding matters addressed herein, please do not hesitate to ask.

Sincerely,

for 
Robert W. Schoning
Director

Enclosures

North Pacific Fishery

Management Council

Eimer Rasmuson, Chairman
Jim H. Branson, Executive Director

Mailing Address: P.O. Box 3136DT
Anchorage, Alaska 99510

Suite 32, 333 West 4th Avenue
Post Office Mall Building

Telephone: (907) 274-4563
FTS 265-5435



Agenda Item #6

Application Permits Reviewed at June 1977 NPFMC Meeting
Anchorage, Alaska

Permits
reviewed:

1. M/S SOUGETA Poland Registry: France

Based on previous ruling, this vessel could only support a vessel that was registered under the same flag. France has no allocation in the Northeast Pacific.

Recommend that permit be withheld pending determination of legality. Further, the permit should include more specific data as to use intended.

Citation: Foreign Fishing Reg. 50 CFR - 611

2. ISE MARU #8 JA-77-0869

Previously approved but application was not in hand last month. Approval recommended.

3. KOTOKU MARU # JA-77-1086

Recommend approval with condition that vessel be permitted to receive raw fishery products only vessels of the same flag.

4. KOHOKU MARU #7 Japanese JA-77-0870
Approval recommended. snail
-

5. M/S HALNIAK Poland PL-77-0029

Recommend disapproval. Application incomplete and is for N.E. Pacific, an area managed by the Pacific Fishery Council.

F35/PWF

JUL 14 1977

Mr. Larry L. Snead
Acting Director, Office of
Fisheries Affairs
U.S. Department of State
Washington, D.C. 20520

Dear Mr. Snead:

In accordance with the provisions of Section 204 of the Fishery Conservation and Management Act of 1976, the United States Department of Commerce has received the appropriate fee for the permit FR-77-0002-A for the French vessel SOUGUETA.

Enclosed is the permit to be delivered to the Government of France. The Conditions and Restrictions as agreed to by the European Economic Community on February 15, 1977, apply to this vessel.

Sincerely,

SIGNED

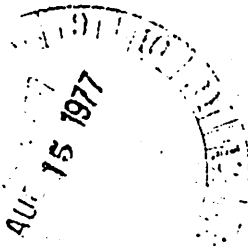
M. M. Palleon
Robert W. Schoning
Director

Enclosure

cc: F., F3, F4, F35, FAK, FAK12, FNW, FNW32
North Pacific and Pacific Fishery Management Councils

F35:PWF:fields:gec:8/5/77 634-7265

cc: Original to Rasmussen 8-15-77



AUG 2 1977

Mr. Larry L. Snead
 Acting Director, Office of Fisheries
 Affairs
 U. S. Department of State
 Washington, D. C. 20520

Dear Mr. Snead:

In accordance with the provisions of Section 204 of the Fishery Conservation and Management Act of 1976, the U. S. Department of Commerce has received the appropriate fees from the Government of the Union of Soviet Socialist Republics for the permits listed below.

<u>NAME OF VESSEL</u>	<u>PERMIT NUMBER</u>	<u>FISHERIES IN WHICH AUTHORIZED TO ENGAGE</u>
AVEZDA RYBAKA	UR-77-0370-A	Bering Sea and Aleutian Islands Trawl and Herring Gillnet Fishery and Washington, Oregon, and California Trawl Fishery
NEREIDA	UR-77-0460-A	Washington, Oregon and California Trawl Fishery

Enclosed are the appropriate permits to be delivered to the Government of the Union of Soviet Socialist Republics. The list of vessels attached to the Conditions and Restrictions appertaining to Soviet flag vessels contained in my letter to you of February 28, 1977, is amended by adding the above vessels and data. There are no changes to these Conditions and Restrictions.

Please note, however, that Item No. 10 on the vessel permits has been changed to reflect the following:

"The vessel to which this permit is issued shall not conduct activities in any fishery except those authorized above and shall not conduct activities in support of U. S. flag fishing vessels unless specifically authorized herein."

Sincerely,

SIGNED

R. W. Schoning
 Robert W. Schoning
 Director

Enclosures

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 North Pacific Fishery Management Council,
 Pacific Fishery Management Council,
 Commandant (G-000/74)USCG
 F35:PWFields:634-7265:jac:8/9/77

AUG 15 1977

N/PFAC

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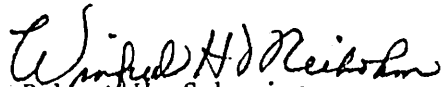


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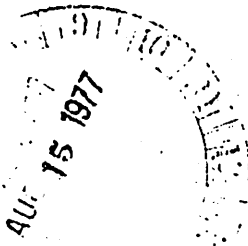
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 Robert W. Schoning
 Director

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 Commandant (G-000/74)USCG
 F35:PWFields:634-7265:jac:8/9/77

AUG 15 1977

N/PFAC

New England Regional Fishery Management Council

Peabody Office Building
One Newbury Street
Peabody, Massachusetts 01960

Henry Lyman, Chairman

Phone: 617-535-5450

July 14, 1977

Mr. Richard N. Sharood
Attorney At Law
National Federation of
Fishermen
919 Eighteenth St., N.W.
Washington, DC 20006

Dear Dick:

You may have seen the "Events Schedule" prepared by NOAA/NMFS for the implementation of fishery management plans under the provisions of the 200 mile act - the FCMA, PL 94-265. The "Events Schedule" is otherwise known as the "horse blanket" - although that may be a euphemism - and in case you have not had that experience I enclose a copy for whatever enlightenment you may be able to extract from it.

Needless to say, the schedule gives great concern to all Councils because of the vast amount of time involved. It appears to require perhaps three times as long to review a plan as it does to write a plan! In any case the apparent time requirements can severely limit the effectiveness of the Councils in responding appropriately to management needs of the fisheries and to the intent of Congress.

All Councils are determined to try to reduce the time requirements, particularly in the review period, to the minimum.

This letter is to inquire whether you would be interested in assisting in this effort. The Council would like to explore with you the possibility of your professional services in reviewing the Schedule to determine how and where the time requirements may be reduced.

Some of the requirements may result from an arbitrary, and perhaps revocable, administrative decision within NOAA or EPA, some may result from a regulation in Commerce or elsewhere that might be amended, and some may be statutory requirements. These should be identified as such.

The Council would welcome and would be willing to support a qualified and professional analysis of the Event Schedule and informed summary and recommendations to determine how it could be shortened significantly.

Mr. Richard N. Sharood

- 2 -

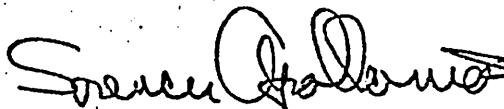
July 14, 1977

Your name was suggested for several reasons: you are in Washington and can go to various agencies conveniently and talk to the principals involved in the various events of the schedule; you know what is going on in fisheries and the FCMA, and you know many of the government officials.

Would you let me know if this project would be appropriate for you, whether you could get into it in the near future, and would you suggest the time you foresee needed to do the job and your contractual arrangements with the Council?

We will look forward to hearing from you.

Sincerely yours,



Spencer Apollonio
Executive Director

pmp

Enclosure:

cc: Henry Lyman, Chairman