

A REPORT
ON THE
EXTENDED JURISDICTION ACTIVITIES
OF THE

UNITED STATES COAST GUARD
17TH COAST GUARD DISTRICT
in the

ALASKA FISHERY CONSERVATION ZONE

Submitted by
Commander Ralph Giffin
22 March, 1977

Mr. Chairman, members of the Council

When we last met in mid-February, Coast Guard and National Marine Fisheries Service plans for enforcing the Fisheries Conservation and Management Act remained in the formative stage. I think it is safe to say that we had more unanswered questions than the other kind. I'll quickly review the problem areas we faced back then, less than two weeks before the implementation date of the FCMA.

1. Department of Commerce foreign fishing regulations had recently only been issued and were not fully understood by Coast Guard and NMFS law enforcement officials. Perhaps even more to the point, the regulations had not been translated and distributed to the foreign fleets. We therefore faced the real prospect of enforcing regulations which we didn't understand against foreign fishermen who had not read them.

2. Congressional relief for crucial provisions of the Act, particularly the requirement for having the permit displayed in the wheelhouse, was imminent for the Soviet Union, one of the two foreign nations on Alaska's fishing grounds. But it seemed that relief for Japan, the other nation, on the grounds, would not be approved by the first of March. Of course, without Congressional relief, there would be no foreign fishing permitted. Additionally, the U.S. and

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Canada had not yet signed an interim agreement for 1977 which would allow the Canadians to fish in the U.S. zone this year.

3. The review of foreign permit applications in Washington, D.C. had not been completed so we did not know the quantity, nationality, or identity of the foreign vessels which would be allowed to fish in the U.S. zone assuming there would be Congressional relief. And many other important matters had not been fully resolved by the middle of February. Would we treat violations of existing fishing agreements as infractions of the law or of the agreement if both options were available? How would we initiate civil action against a foreign violator for an offense too serious for simple citation yet not serious enough for seizure? Would we enforce the new law outside the 200 mile line with respect to salmon? And, most importantly, we were completely in the dark about the attitude on board the 115 Soviet and Japanese fishing vessels off the Alaska coast. Would they obey the law or not? A crucial question if Congressional relief were to fail and the foreign fishermen were told to stop fishing.

So, Mr. Chairman, if you detected a look of panic in my eyes or Ron Naab's eyes at the last Council meeting, you now know the reason. But, during the final two weeks of February and the first week of March, most, if not all of the pieces of the puzzle came together and important information was exchanged

through a tremendous flurry of meetings, messages, phone calls, instructions, and written opinions. One measure of the intensity of the flow of information is this: during a three day period in mid-February, the Coast Guard Communications Station in Kodiak handled 587 messages - In a similar period during the first week of March, they handled over 3000 messages.

In any event, here was the situation on the 28th of February. Crews of our cutters and aircraft and law enforcement agents of the National Marine Fisheries Service had received a paragraph by paragraph briefing on the fisheries regulations and the procedures for handling violations; Congressional relief for Japanese vessels had not been approved. That is, Japanese vessels would be directed to stop fishing after March first. Congressional relief was also lacking for Canadian and South Korean boats but none of those vessels were on the grounds. Congressional relief for the Soviet Union had been approved and late on the 28th of February we received the list of Russian vessels permitted to fish. During the first week of March, we had 6 cutters deployed and flew 12 aircraft patrols to enforce the new fisheries law and most of these cutters and aircraft had NMFS agents on board. Our normal schedule is about half that. But - given the unknowns still existing in early March - we had no choice but to maximize our patrol effort - and we did.

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In any event, here was the situation on the 18th of February. Crews of our cutters and aircraft and law enforcement agents of the National Marine Fisheries Service had received a paragraph by paragraph briefing on the fisheries regulations and the procedures for handling violations; Congressional relief for Japanese vessels had not been approved. That is, Japanese vessels would be directed to stop fishing after March 1st. Congressional relief was also lacking for Canadian and South Korean boats but none of these vessels were on the program. Congressional relief for the Soviet Union had been approved and late on the 18th of February we received the list of Russian vessels permitted to fish during the first week of March. We had a cutter deployed and law enforcement agents to enforce the new fisheries law and most of these cutters and aircraft had NOAA agents on board. Our normal schedule is about half that - given the unknown still existing in early March - we had no choice but to maximize our patrol effort - and we did.

After three weeks experience with this new law, we now have, I think, a fairly accurate perspective of the attitudes on board the Japanese and Soviet fishing vessels. In two words - almost perfect. We have had no difficulty whatever in communicating with or boarding any of their fishing vessels. Until Congressional relief for Japan was approved on the second of March, Japanese vessels stopped fishing. All vessels had checked in as required by the regulations. The foreign fishing vessels have made it clear that they completely accepted U.S. jurisdiction within the 200 mile zone. They have bent over backwards to seek the proper interpretation of regulations and to confirm that the activity they intended was legal. In fact, one unanticipated burden we had was responding to check-in reports. You see, the regulations only require a vessel to reports its intended activity - there is no requirement for the United States to then communicate its permission to the vessel. However, many of the Japanese and Soviet fishing boats were asked to do just that.

As far as foreign violations are concerned, we had only two of consequence. On the seventh of March, a Coast Guard Cutter CONFIDENCE went aboard the Soviet stern trawler MYS VORONINA near the Shumagin Islands. The inspectors located eleven small processed halibut in a machinery space. Since the

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As far as foreign violations are concerned, we had only two or three. On the seventh of March, a Coast Guard cutter CONTINENCE went aboard the Soviet stern trawler MYS VOZHINIA near the Spratly Islands. The inspectors located eleven small processed halibut in a machinery space. Since the

unlawful retention of halibut did not appear to be part of a commercial operation, and the amount was quite small, only 30 pounds, we did not seize the ship. Instead, we initiated civil process which is now in the hands of the Director of NMFS. The maximum penalty for the MYS VORONINA in this case will be \$25,000. An interesting sidelight to the incident was the way it was handled by the Soviet fleet commander. After the Coast Guard boarding party left the MYS VORONINA, the ship could have legally resumed fishing. However, the fleet commander directed the MYS VORONINA to return to Russia with more than 2 1/2 months remaining on her trip. Further evidence, I believe, that the Soviets are trying hard to comply with the law. (Talk about MYS TAMYR)

Although the first three weeks under the FCMA have been much more routine than we ever thought possible, there are still a few problem areas with the regulations. There have been several misinterpretations by foreign fishermen and we hope to resolve these matters later this week. The State Department, National Marine Fisheries Service and Coast Guard will meet with the Soviets on Wednesday and the Japanese on Thursday to explain the regulations.

Mr. Chairman, I have a few statistics here which should show the results of the Coast Guard and NMFS enforcement effort since the first of March. There has been a relatively

stable population of about 80 Soviet and Japanese fishing units operating. I use the word unit rather than vessel because, for my purposes here it is more accurate to think of a crab factory ship and her catcher boats as one fishing unit rather than seven vessels. Seventy percent of the vessels have been sighted at least once by the Coast Guard and twenty one percent have been boarded. These percentages are very satisfactory and I hope, perhaps too optimistically, that we will be able to maintain them as the foreign vessel population increases in summer months. Incidentally, the present population of about 80 fishing units compares to 156 fishing units for the same period last year.

Finally, I will discuss two enforcement issues which will effect us in the near future. First, the Japanese take of Salmon will be enforced under the INPFC. That is, infractions of the abstention zone by Japanese salmon boats, even if flagrant, will not lead to seizure - instead, the violator will be turned over to the Japanese government for prosecution. Second, there is considerable doubt in my mind as to how the interim 1977 Canadian agreement will be enforced. This agreement, designed to maintain the status quo with respect to fishing by nationals of one nation in the zone of the other, has a mix of rules based on the agreement itself and it has other rules based on domestic law. It is not clear whether an infraction of the agreement will be handled as a violation of FCMA or as an agreement violation. I am told

a decision from Washington is forthcoming.

Mr. Chairman, that concludes my report, are there any questions?

Commander Ralph Giffin
U.S. Coast Guard
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to the NPFMC

