



DEPARTMENT OF TRANSPORTATION  
UNITED STATES COAST GUARD

AGENDA ITEM #6  
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REPORT TO THE NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL  
CONCERNING COAST GUARD FCMA ENFORCEMENT

1. Recent FCMA Infractions. Since the last Council meeting, two reports of violation (civil penalty procedures) have been issued. In addition, two seizures have been effected. A brief summary of each infraction is as follows:

a. 26 January. The Japanese trawler TSUDA MARU was seized by the USCGC MORGENTHAU after it was discovered that the vessel had been grossly underlogging its catch.

b. 31 January. The South Korean trawler KYUNG YANG HO was issued a report of violation by the USCGC STORIS for failure to return salmon and halibut to the sea in a timely manner.

c. 16 February. The South Korean trawler CHEOG YANG HO was issued a report of violation by the USCGC MORGENTHAU for failure to return halibut and crab to the sea in a timely manner.

d. 19 February. The Japanese trawler FUKUI MARU NO. 8 was seized by the USCGC MORGENTHAU for grossly underlogging its catch.

- Encl: (1) Summary of Tsuda Maru seizure  
(2) Summary of Fukui Maru No. 8 seizure  
(3) Coast Guard Patrol Effort  
(4) Analysis of Boardings and Enforcement Incidents  
(5) Surveillance Standard Analysis for Independent Fishing Vessels  
(6) Boarding Standard Analysis for Independent Fishing Vessels

JAPANESE F/V TSUDA MARU/JFTB - SEIZURE

The Japanese F/V TSUDA MARU was seized on January 26, 1979 by the USCGC MORGENTHAU approximately 167nm SW of St. Matthew Island. A joint Coast Guard and National Marine Fisheries Service boarding party discovered that this large stern trawler was grossly under logging its catch. The vessel was subsequently seized for violation of 16 USC 1857, Subsection 307 of the Fisheries Conservation and Management Act of 1976. After being escorted to Kodiak, a complete inventory of the vessels holds was conducted by the Coast Guard and NMFS. The vessel is presently under the custody of the U.S. Marshall in Kodiak and the case is awaiting final settlement by the U.S. Attorney in Anchorage.

The TSUDA MARU was conducting a directed fishery for Pollack which was being converted to Surimi. Incidental catches of Pacific Cod, Squid, and Flounders were being processed and then frozen.

The results of the inventory revealed the following:

	VSSL CCL WGT	INVENTORY WGT	DIFFERENCE
Pollack	824.42 MT	1133.82 MT	309.40 MT
Pacific Cod	} 4.95 MT	12.83 MT	} 29.11 MT
Flounder		2.65 MT	
Squid		<u>18.58 MT</u>	
TOTAL	829.37 MT	1167.88 MT	338.51 MT

Calculating gross weight, the TSUDA MARU had onboard fish products that when converted back to round weight equal approximately 141% of the round weight the vessel had entered in its cumulative catch log.

The vessel is owned by Hoko Fishing Co. Ltd. Tokoyo, Japan. The vessels agent is Mr. Sadayuki KASHIWAGI, Japan fisheries Association, Anchorage, Alaska.

JAPANESE F/V FUKUI MARU 8/JDYN - SEIZURE

The Japanese medium trawler FUKUI MARU 8 was seized by the USCGC MORGENTHAU on February 19 approximately 150nm SW of St. Matthew Island. The boarding party discovered gross inaccuracies between the vessel's cumulative catch log and the fish found in the vessel's hold. The FUKUI MARU 8 was subsequently seized for violation of 16 USC 1857, Subsection 307 of the Fisheries Conservation and Management Act of 1976. The vessel is currently being escorted by the USCGC MORGENTHAU to Kodiak, where the case will be turned over to the U.S. Attorney.

The boarding party has found the following:

	CCL (MT)	HOLD ESTIMATE (MT)
Squid	0.55	0.04
Other Flounder	5.70	0.80
Pollack	5.14	} 0.72
Pacific Cod	0.66	
Herring	0.14	18.20
Others	6.68	0.09

The vessel is owned by Fukui Ken Gyogyo Kabushiki Kaisha, Tokoyo, Japan. The agent for the vessel is Mr. Sadayuki KASHIWAGI, Japan Fisheries Association, Anchorage, Alaska.

Enclosure (2)

COAST GUARD PATROL EFFORT (1979)

	CUTTER PARTOL DAYS	AIRCRAFT PATROL HOURS	MILES- PATROLLED	FISHING VESSEL IDENTIFICATIONS						TOTAL	FISHING VESSEL BOARDINGS						TOTAL
				JA	KS	PL	TW	MX	UR		JA	KS	PL	TW	MX	UR	
JANUARY	32	67	29848	161	58	0	3	0	31	255	4	7	0	0	0	0	11
FEBRUARY (1-20)	19	74	11642	206	16	0	5	0	39	266	6	2	0	1	0	6	15

1979

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

	JAPAN	USSR	S.KOREA	POLAND	TAIWAN	MEXICO	ALL	%BOARDINGS RESULTING IN INCIDENTS
JANUARY	4/1	0/0	7/1	0/0	0/0	0/0	11/2	18%
FEBRUARY (1-19)	6/1	6/0	2/1	0/0	1/0	0/0	15/2	13%
CUMULATIVE TOTAL	10/2	6/0	9/2	0/0	1/0	0/0	26/4	15%

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

Enclosure (4)

SURVEILLANCE STANDARD ANALYSIS  
FOR INDEPENDENT FISHING VESSELS

TIME PERIOD	NUMBER OF F/V ON GROUNDS FOR ENTIRE PERIOD	NUMBER OF F/V ON GROUNDS FOR ENTIRE PERIOD THAT WERE SIGHTED	% SIGHTED
Oct 23 - 05 Nov 78	119	84	71
Oct 30 - 12 Nov 78	116	95	82
6 - 19 Nov 78	123	115	93
13 - 26 Nov 78	126	113	90
Nov 20 - 03 Dec 78	108	97	90
Nov 27 - 10 Dec 78	105	92	88
4 - 17 Dec 78	76	57	75
11 - 24 Dec 78	76	43	57
18 - 31 Dec 78	40	24	60
Dec 25 - 07 Jan 79	74	64	86
1 - 14 Jan 79	61	59	97
8 - 21 Jan 79	72	66	92
15 - 28 Jan 79	100	96	96
Jan 22 - 04 Feb 79	117	104	89
Jan 29 - 11 Feb 79	133	121	91
5 - 18 Feb 79	143	138	97

Enclosure (5)

1979

BOARDING STANDARD ANALYSIS  
FOR INDEPENDENT FISHING VESSELS

<u>MONTH</u>	<u>GOAL</u>	<u>ACTUAL BOARDINGS</u>	<u>ACHIEVED</u>
JANUARY	30	11	36%
FEBRUARY	29	15	52%
CUMULATIVE TOTAL	59	26	44%

Note: Boarding goal is to board every independent fishing vessel once per quarter on the average.

Enclosure (6)

# Charges filed against ship

By CHRIS BLACKBURN  
Mirror Staff Writer

The seized Japanese vessel Tsuda Maru has been charged with three counts of "underlogging" and one count of "grossly inflating" the logged catch report. A fourth count from the U.S. Attorney's office in Anchorage of underlogging is expected to be filed today or tomorrow.

U.S. Attorney Alexander O. Bryner, interviewed by phone this morning, told The Kodiak Daily Mirror his office has brought suit for forfeiture of the Tsuda Maru in U.S. Superior Court in Anchorage. The claim is being opposed by Anchorage attorney John Bradbury, who has been hired by the Japanese firm Koho Fishing Co., Ltd., of Tokyo, which owns the Tsuda Maru.

The Tsuda Maru was seized Jan. 26 in the Bering Sea by the U.S. Coast Guard cutter Morgenthau, commanded by Capt. Joseph McDonough, after a routine boarding party found an apparent discrepancy between the catch recorded in the vessel's logs and the catch in hold number one.

The Tsuda Maru arrived in Kodiak Feb. 1 under the escort of the Morgenthau. Personnel from the Coast Guard and the National Marine Fisheries Service Enforcement and Surveillance then proceeded to weigh the boxes of frozen incidental catch in the hold number one, which was sealed Jan. 26, and the boxes of surimi, a fish paste made from pollock, aboard the Tsuda Maru.

Bryner said the Tsuda has been charged with underlogging its harvests of squid, Pacific cod and "other flounder." The vessel is also charged with "inflating" the logged catch figures for incidental species taken Jan. 26.

A fifth charge of underlogging the amount of pollock harvested between Jan. 17 and Jan. 25 is expected to be filed today or tomorrow in an amended complaint, Bryner said.

The charge of "inflating" the logged catch figures Jan. 26 stems from the following evidence, Bryner said. From Jan. 17 through Jan. 25 the Tsuda Maru's logs showed 4.95 metric tons, round weight, of incidental catch, including cod, flounders and squid harvested.

At 1:30 a.m. on Jan. 27, the day after the Tsuda Maru had been boarded, the vessel's master logged in 25.5 metric tons, round weight, of incidental catch harvested. The vessel master is required, by U.S. federal law, to log in his daily catch by 2 a.m. of the following day.

Three trawl loads of fish had been harvested prior to the sealing of hold number one by the Coast Guard boarding party. The fourth trawl haul yielded 2.9 metric tons of product, according to Bryner.

Based on the previous catch logged, the catch of the fourth trawl on Jan. 26 and the estimated catch on board, the U.S. Attorney's Office has charged that the Tsuda Maru's catch figures for Jan. 26 were inflated and did not represent the true catch.

National Marine Fisheries Service found a total weight of 34.062 metric tons of processed fish aboard the Tsuda Maru. The vessel log, including the alleged inflated harvest logged Jan. 26, showed a total harvest of 30.25 metric tons of "round" or unprocessed catch of incidental species.

Thus, the round or unprocessed weight of the fish caught according to the log was less than the weight of the processed fish aboard the Tsuda Maru.

The discrepancy is even greater considering that processed fish weigh less than the fish in the round, Bryner said.

The Tsuda Maru reported in its log a Pacific cod harvest of 14.23 metric tons, round weight, which would yield, according to the vessel's figures 8.54 metric tons of processed fish, Bryner said. A total of 12.834 pounds of processed cod was Pacific cod was found on board the Tsuda Maru.

A total of 2.647 metric tons of processed flounder was found on board the Tsuda Maru. Its logs showed a harvest of 2.6 metric tons, round weight, and 2.1 metric tons of processed fish, Bryner said.

When the Tsuda Maru was first boarded by Coast Guard personnel, they estimated that the amount of surimi stored in the ship's freezers roughly corresponded to the amount of pollock shown in the log.

However, after the Tsuda Maru arrived in Kodiak, National Marine Fisheries Service and Coast Guard personnel proceeded to get an accurate estimate of the surimi on board.

The poundage is too great for an inventory, Bryner said, so enforcement officials estimate the minimum volume of surimi, allowing for ship's beam, and curves in the hull, Bryner said.

Enforcement officials did find that the stacks of surimi boxes were much deeper than had been estimated by the Coast Guard boarding party.

National Marine Fisheries Service estimated a bare minimum surimi weight of 299.95 metric tons with an estimated probable weight of 378 metric tons.

According to the vessel's logged weight of pollock harvested and the vessel's own estimate of recovery--28.4 pounds of surimi for every 100 pounds of pollock--the vessel's logs, including the alleged inflated catch of Jan. 26, indicated there should not have been more than 234.14 metric tons of surimi on board, Bryner said.

At a bare minimum the Tsuda Maru underlogged its surimi by 67 metric tons, Bryner said, which translates to an under logging of its pollock harvest by no less than 232 metric tons--a half a million pounds.



