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October , 1977

Preliminary Comments by the Government of Japan on
the Fishery Management Plan for the Gulf of Alaska
Groundfish Fishery during 1978, Prepared by the
North Pacific Fishery Management Council

With regard to the Fishery Management Plan for the Gulf of Alaska Groundfish Fishery during 1978 which was adopted in the tenth North Pacific Fishery Management Council meeting held in Anchorage from September 22 through 24, 1977 (hereinafter referred to as "the FMP"), the Government of Japan presents, in addition to the comments which were submitted to the United States Government on August 15 and October 7, the following preliminary comments.

It is our earnest hope that the United States Government take fully into consideration the following comments as well as those comments which might be presented later, depending on future development, in its review and finalization of the FMP.

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I. Optimum Yield

1. A 30 Percent Reserve of the Optimum Yield

The Government of Japan requests that the U.S. Government withdraw the FMP regulation to the effect that 30% of the OY is to be reserved on all species in the Gulf of Alaska.

(Reasons)

(1) The Government of Japan understands that, in the FMP regulations, the foreign allowable catch for all species taken in the Gulf of Alaska is to be calculated as the residual after deducting the Domestic Annual Harvest (DAH) from 70% of the OY value.

In other words, the intention is to set aside, at the start of the fishing season 30% of the OY, with a view to reallocating this volume to either U.S. or foreign fishermen, after evaluating the catch situation of the U.S. fishery during the season.

(2) First, the Government of Japan would like to point out that this provision is highly discriminatory against foreign fishermen. While, at the start of the season, a large volume is unconditionally withheld ~~from~~ ^{against} the FAC, the DAH (in its opinion, the initial DAH ~~value~~ tends to be overestimated for almost all species) is totally unaffected. Rather, a further substantial increase in the DAH is assured, as new arbitrary catch estimates are made in the course of the fishing season. It also has ~~very grave~~ ^{strong} doubts over the fairness of arbitrarily reserving 30% of the OY of all species, without regard to whether an increase in U.S. fishing capability is duly anticipated in the species concerned.

(3) Secondly, as the Government of Japan explained in detail in Section III, Part 1 of its comments dated October 7, 1977, the idea of reallocation in the midst of the fishing season is contrary to the spirit of effective use of the resource, as set forth in U.S. PL 94-265, particularly when the ~~leftover~~ ^{reallocated quota} ~~portion~~ of a particular species ~~can be fully anticipated~~. ^{is unlikely to be fulfilled} This point is applicable to both foreign and U.S. fishermen.

(4) Thirdly, this provision, if ^{put into effect} ~~in force~~, would ^{create} ~~cause~~ ^{uncertain conditions for the management} ~~instability at the management level~~ in foreign fishery operations. Foreign fisheries (including ^{Japanese one} ~~our own~~) usually draw up detailed operating plans covering an entire year, involving a heavy outlay in manpower and funds. It is absolutely essential, from a management standpoint, that they are able to work with a firm annual operating program from the start of the fishing season.

(5) Determination of the Total Allowable Catch (TAC) level is supposed to be made on the basis of scientific evidence, taking fully into account the ^{sustainability} ~~safety~~ of the resource. Furthermore, in most cases, after giving consideration to supplementary biological and socio-economic factors, the OY is set well below the TAC level. Thus, so long as the catch does not exceed the TAC, even if it in effect goes above the OY, there can be no biological adverse effect on the resource. We do not believe that PL 94-265, which sets as one of its goals the development of the U.S. groundfish fishery in the Gulf of Alaska, precludes the possibility of

tolerating

tolerating a slight overrun of the OY set at the beginning of the fishing year, as a result of an unexpectedly large increase in U.S. ~~domestic~~ ^{domestic} catch capability -- provided that this excess occurs within the limits of the TAC.

Further, it seems to us that, in practice, there is little likelihood of exceeding the OY in this way, considering the DAH levels that have been established to be usually over and beyond the US maximum catch capability.

(6) Accordingly, it is our conclusion that, in order to allow foreign fishing fleets to develop a sound operating plan in terms of both catch and management efficiency, rather than reserving 30% of the OY, it would be more reasonable and equitable to determine the FAC at the start of the season, on the basis of: 1) setting a reasonable and achievable DAH based on actual U.S. catch results achieved to date; and 2) subtracting this DAH from the OY to arrive at the FAC.

2. Optimum Yield for Sablefish

The Government of Japan proposes that the OY for sablefish in the Gulf of Alaska be no less than 22,000 tons.

(Reasons)

(1) Japanese scientists believe that the resources of ~~blast~~ ^{sable} ~~blast~~ in the North Pacific constitutes one single stock, and that it should be treated as such in assessing the condition of the resource. (Tagging experiments clearly demonstrate the presence of inter-exchange of fish between the three

regions.

regions. It is also known that there is neither spawning ground nor distribution of juvenile fish in the Bering Sea and Aleutian Islands.)

(2) Although the average Catch per Unit Effort (CPUE) of our longline boats declined in 1976 (0.104 ton per 10 "hachi" in 1975 to 0.095 ton in 1976) in the Aleutian region, the averages for the Bering Sea and the Gulf of Alaska went up in 1976 (the former from 0.030 ton in 1975 to 0.035 ton in 1976, and the latter from 0.163 ton in 1975 to 0.183 ton in 1976).

The overall average for the three regions combined in 1976 was also about 10% better than in 1975 (0.143 ton in 1975 to 0.160 ton in 1976). This indicates that the OY for the whole region is perhaps in excess of 30,000 tons, the catch level of 1975.

(3) US scientists consider that this species should be managed by individual geographic units, i.e. Bering Sea, Aleutians, Gulf of Alaska, Canada, and Washington-California. Even if we take this argument, it is reasonable that, in light of the recent trend in CPUE described in (2) above, the OY for the Gulf of Alaska in recent years would be ~~no~~ less than the 1975 catch level of 22,000 tons.

(4) The draft FMP dated July 1, 1977 proposed an Equilibrium Yield (EY) of 22,000 tons or less. However, in the FMP, apparently based on a later reassessment of the state of the resource, the EY is set at 17,400 tons and the OY at 10,000 tons.

As the Government of Japan understands it, the FMP ^{bases} ~~grounds~~ ^{OY of} this 10,000 tons ~~is~~ on the policy to bring the resource condition as quickly and closely as possible to a level which will produce a Maximum Sustainable Yield (MSY) of 22,000 tons.

The Government of Japan ~~is~~, of course, cannot possibly view such an arbitrary OY value as reasonable. It also considers it most regrettable that the U.S. side has not clarified to Japanese scientists, on the basis of scientific data, the biological rationale for its calculation. The Japan-U.S. Governing International Fishery Agreement clearly stipulates that the results of joint consultation be taken into consideration, as appropriate, in determining allowable catch levels. The Government of Japan believes it is fair and equitable that, at least in a case of this sort, where there has been a drastic change in the OY, Japanese scientists be given the opportunity to present their counterarguments on the appropriateness of this value, before the U.S. Government makes its decision.

II. Areal Division of the Foreign Allowable Catch
(FMP 8, 3, 2, 1(A))

The Government of Japan strongly requests that the proposed area-quota system based on IMFFC statistical subarea-division be reconsidered and that its implementation be postponed until it proves to be practicable.

(Reasons)

(1) The FMP proposes the establishment of a number of subarea quotas in the Gulf of Alaska.

The merits of this proposal is highly questionable in terms of ^{S/}conservation purposes. It is also certain that the proposed measures will bring a number of economically burdensome factors into the fishery, inter alia, increased days of travel between different subareas. It may very well hamper the fishery from attaining the quotas for major target species.

(2) The reasons why the Government of Japan questions the merits of the proposed measures are as follows:

(a) There are already a variety of other regulatory measures in force to ensure the conservation of the resources, such as catch limit, closed areas and seasons.

(b) Migration range of many species, if not all, in the Gulf is unlikely to be limited to within any statistical subarea. In fact, many species are known to migrate a much greater distance.

(c)

(c) Due to the lack of basic data, there is no ~~good enough~~ ^{sufficient} criteria to divide the overall quotas for the Gulf in accordance with the productivity of each small subarea.

Any such division, therefore, runs the risk of allocating unpropotional quotas to many subareas in comparison with their real productivity.

(d) The economy of the vessel operation is such that it is very unlikely that any particular area is overfished to a dangerous level. Without the area quota system, the boats will always shift to a better fishing grounds after a certain amount of fishing.

III. Seasonal Division of FAC and Gear Restrictions (FMP 8, 3, 2, 1(B) and (E)(1))

The Government of Japan strongly requests the withdrawal of the following two proposals:

(1) that no more than 25% of the total FAC may be taken during the winter-to-spring periods (January 1 - May 31 and December 1-31 combined)

(2) that, during the above periods, only pelagic trawl gear with recording net sonde devices may be used in the Gulf of Alaska.

(Reasons)

(Reasons)

(1) Japanese groundfish fishing activity in the Gulf of Alaska has a 17 year history dating from its ~~inception~~^{start} in 1960. The Government of Japan has cooperated for many years in conservation and management of groundfish resources in these waters through the INPFC and Japan-U.S. bilateral consultations, particularly in the preservation of the halibut resource with which U.S. fishermen are so acutely concerned. Based on the recommendations by INPFC, the Government of Japan has cooperated to this end by accepting substantial area and time closure restrictions and has, as a domestic measure, implemented depth regulations. As a result of these controls, Japanese groundfish industry has been confronted with major difficulties in its operations, including a substantial reduction in catch.

Be that as it may, the U.S. and Japanese Governments, through many years of close consultations, have been working together toward a solution of the problems concerning the management of the groundfish fishery and conservation of the halibut resources. It seems that the conservation of the halibut resource is being fully ensured by existing regulations.

(2) The mode of Japanese fishery operations in the Gulf is as follows:

A. Trawl

(Species)	(Fishing grounds)	(Fishing seasons)
Pollock	Chirikof Kodiak) January through February
Pacific ocean perch	Kodiak Yakutat Southeast) Year round
Other rockfishes	Yakutat Southeast) Year round

B. Longline

Sablefish	Shumagin Kodiak Yakutat Southeast) Year round
Pacific cod and Flounders	Shumagin	January through March

(3) The Japanese catch in the Gulf of Alaska during the periods of January 1 - May 31 and December 1-31 combined totaled 51,652 tons in 1974 (comprising 46% of the annual catch total in the Gulf) and 49,456 tons in 1975 (53% of total). This demonstrates that the Japanese groundfish fishery in the Gulf of Alaska is in continuous operation spread evenly over the entire year. If, as proposed, Japanese fishermen were not to take more than 25% of total catch allocation during the specified time periods, they would be compelled to take no less than 75% of the total = during the June 1 - November 30 period.

However,

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However, in view of a steady year-round operation of Japanese groundfish fishery, such an intensive and unbalanced catch effort is not practical. It would, we fear, not only lead to non-fulfilment of the catch allocation but also bring about the actual catch beyond the productivity of these fishing grounds during the summer period.

The Government of Japan would like to make a point that the proposal in the FMP, in its too ^{great a} ~~such~~ concern over the protection of halibut, has apparently overlooked the resultant adverse impact on conservation and rational utilization of other groundfish resources.

(4) Japan has not yet developed a pelagic trawl gear for commercial groundfish fishery use. The knowledge obtained so far on the pelagic trawl gear available now teaches us that it is effective only for hake ~~during the period from winter to spring~~. The proposal in the FMP would make it difficult for the catch during this period to reach even the proposed 25% of the annual allocation. It would, in addition, make it totally unfeasible, from a management standpoint, for Japanese groundfish fleet to operate.

The Government of Japan sincerely hopes that the U.S. Government will not adopt such a plan as Japanese fishermen find technically impossible to implement.

(W.D.)

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(5) Even the off-the-bottom trawl gear is currently effective only for hake and pollock and would, for the most part, be extremely difficult to use for rockfishes and flounders. As a result, many difficulties would arise, if Japanese fishermen were required to use this gear throughout the Gulf of Alaska during the proposed period.

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IV. Time and Area Closures

A. Longline Fishery

The Government of Japan would like to call the attention of the U.S. Government in particular to the following points in connection with ~~our~~^{its} proposal 1,2,3, and 4 below:

a) With regard to the Allowable Biological Catch (ABC) for sablefish in the Northeast Pacific, including the Bering Sea, there is very little difference in the estimates that have been prepared by scientists of our two countries: no less than 48,000 tons by the Japanese scientists and 41,500 tons by the U.S. scientists. The scientists of both ~~nations~~^{sides} assume that the sablefish resource in the Gulf of Alaska is being rationally utilized.

Nevertheless, the allocation of sablefish to Japan in 1977 for that portion of the Gulf of Alaska within the U.S. fishery conservation zone was only 13,900 tons -- a marked decline from the actual catch of some 20,000 tons recorded in the previous year. This has dealt our longline fishing industry a severe operational blow.

b) Even with regard to herring, for which our longline fishermen have been fishing on a limited scale during early spring (using gillnets), there has been a precipitous decline in the catch allocation. In addition, a broad area closure has been proposed that would in effect render operations by this fishery virtually impossible.

c)

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c) The Government of Japan is ~~grateful~~ appreciative of the proposal in the FMP which would permit foreign longline fishing directed at Pacific cod in the Gulf of Alaska shoreward of 500 meters isobath west of 157° W. But it would like to emphasize, on top of (a) and (b) as mentioned above, that the FMP regulations (as discussed in 1, 2, 3, and 4 below) seem to purport to unfairly exclude Japan's longline fishing activity, which is conducted by small sized enterprises.

d) The longline fishing method, using hook and line gear, is of a passive character in catching processes, in comparison with trawling. With the longline method, we cannot anticipate any incidental catch of prohibited halibut within the proposed time period and area in such magnitude as to have any adverse impact on the halibut catch of U.S. fishermen.

1. Foreign Longline Fishing East of 141°W

The Government of Japan ~~strongly requests~~^{urges} that the U.S. Government will not adopt the proposal ~~prohibiting~~^{prohibiting} foreign longline fishing east of 141° W.

(Reasons)

(1) Fishing activity for sablefish by Japanese longline vessels within the Gulf of Alaska is a traditional one with a history dating back to 1963.

The sablefish catch recorded by our fishing vessels during 1976 in Yakutat and Southeast regions east of

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of 141° W constituted 56% of their total sablefish catch in the entire Gulf for that year. Both areas are fishing grounds of prime importance to our longline vessels. If the FMP proposals were to be implemented as ~~they~~^{it} stand^s, our longline fishery would be inevitably dealt a devastating blow.

(2) As pointed out earlier in I. 2, there is no need to reduce the OY below the current year's level. Also, in the case of longline fishing which is directed primarily at sablefish, a highly migratory species, we can see no reasonable justification, from a resource conservation standpoint, for the proposal arbitrarily prohibiting fishing east of 141° W.

(3) The Japanese Government has, since 1957, of its own volition, banned ^{Japanese} longline fishing in waters in the Gulf of Alaska shallower than 500 meters in an effort to avoid incidental catch of halibut. ^{A similar} This measure was incorporated in the current 1977 Foreign Fishing Regulations and is also proposed in the 1978 draft regulations.

Under such conditions, no conflict can possibly arise over fishing gear or fishing grounds between U.S. coastal fishermen fishing for sablefish in waters less than 500 meters deep and foreign longline fishermen operating in waters deeper than 500 meters.

Therefore, ^{the Government of Japan} ~~it~~ cannot see any reason in the proposal denying the waters east of 141° W to foreign longline fishermen.

2. Foreign Longline Fishing on Davidson Bank

(FMP 8.3.2.1 (G) (1))^(c)

The Government of Japan requests that the southern (53° N) boundary of the closed fishing area on Davidson Bank be amended to a line between the points 54°10' N - 163°04'W and 53°28'N - 166°00'W.

(Reasons)

(1) From 1973 to 1976, Japanese Government, pursuant to a provision in the U.S.-Japan bilateral agreement, established a closed area for longline fishing from January 1 to February 15 and from September 15 to December 31 on Davidson Bank (54°10'N-163°04'W; 53°28'N - 166°00'W; 54°00'N - 166°00'W; 54°00'N - 165°00'W; 54°33'N - 164°00'W; 54°33'N - 163°04'W).

This measure was aimed at preventing conflict with U.S. coastal halibut fishermen in the Aleutian islands as well as protecting halibut spawning grounds.

Notwithstanding the above, the U.S. Government, in its 1977 Foreign Fishing Regulations, without any convincing argument, banned all foreign fishing throughout the year in the area 163°04'W - 166°00'W within the 200 mile fishery conservation zone.

(2) The southern boundary of the Davidson Bank closed area has been set by the FMP at 53°N. But we believe that the objectives of protecting halibut and avoiding gear conflicts can be fully achieved by setting the southern

boundary

boundary on the line that was set prior to 1976 (vis., 54°10'N - 163°04'W; 53°28'N - 166°00'W) -- at least for longline fishery operations.

(3) On the other hand, the Government of Japan understands that the FMP, taking into account its repeated requests, has permitted a ^{foreign} longline fishery directed at Pacific cod in the waters shoreward of 500 meters isobath west of 157°W. However, if the southern boundary of the closed area on the Davidson Bank were moved southward to 53°N, Japanese fishermen would completely lose important and highly valuable Pacific cod fishing grounds, with a consequent serious impact on ^{their} ~~its~~ longline fisheries.

3. Foreign Longline Fishing Between 140°W and 157°W

(FMP 8.3.2.1 (G) (1) (d) and (e))

The Government of Japan ~~requesting~~ requests that, in order to permit fishing on the same basis as the current year, the U.S. Government not adopt the proposal which would prohibit foreign longline fishing from January 1 through February 15 and from November 1 to December 31 in the area 140°W to 147°W and from February 16 through May 15 in the area 147°W to 157°W.

(Reasons)

(1) Japan's sablefish catch from January 1 through February 15 and from November 1 through December 31 in the waters 140°W - 147°W was in the order of 1,600 tons in 1973 and 1974 ~~respectively~~ ^{also in} (representing 30% of the total annual catch)

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catch within this area). The catch for the period February 16 to May 15 in the area between 147°W and 157°W came to be 683 tons in 1975 (18% of the total annual catch in that area) and 505 tons in 1976 (12% of total annual catch).

(2) Japanese longline fishing was banned, pursuant to the Japan-U.S. Fishery Agreement, from January 1 to February 15 and December 1-31 during 1975 and 1976 within the waters 140°W to 147°W.

However, inasmuch as no problem has arisen with respect to conservation of the halibut resource, there was every reason in 1977 to allow longline fishing operations in these waters. Furthermore, no closure period has been established in past years (including the current one) for longline fisheries in the waters 147°W to 157°W.

(3) Japanese longline fishermen have high future expectations with respect to sablefish fishing in these waters. The Government of Japan would like to ask the U.S. Government to appreciate the extensive damage to the stability of fishing operations that can result from imposing different regulatory measures from year to year, despite the absence of ^{any} new serious problems concerning the resource itself.

It requests that the FMP regulations concerned be made applicable only to trawl fisheries, as in the current year.

B.

B. Trawl and Longline Fisheries

4. Foreign Fishery within the Four US Fishing Sanctuaries in Yakutat and Southeast Regions (FMP 8. 3. 2. 1(G) (1) (b))

The Government of Japan proposes that the four closed areas as recommended in the FMP not be established.

(Reasons)

(1) There is no ^{biologically justifiable} ~~biological~~ reason to introduce the closed areas for such highly migratory species as sablefish.

(2) There is little possibility of gear conflict between US sablefish fishery and the Japanese trawl fishery in the areas in question, since the latter does not fish for sablefish.

(3) The present US regulations do not permit longliners to operate for sablefish shoreward of 500 meters depth contour. In other words, the Japanese fishing grounds for sablefish do not overlap with the US fishing grounds.

(4) The establishment of the four closed areas would cause the following difficulties with the Japanese fishery operations:

(a) Yakutat and Southeast Areas where the closed areas are proposed are the major fishing grounds for the Japanese fishery, producing 56% of the total catch of this species in the Gulf of Alaska in 1976.

(b) The establishment of the four closed areas would have far reaching effects on the longline fishery, since the longline operations are to be confined to the

fragmental

fragmental waters in between the neighbouring closed areas which are spaced at short intervals. The distance between the one off Cape Edugecumbe and the one in Salisbury Sound is no more than 6 miles, while that between the latter and the one at Gross Sound Gully is merely 13.2 miles. Intervals are all too short for the effective operation of longline gear which is set over a long distance along isodepth lines (in the north-to-south direction in this region).

V. Quota Control (FMP 8. 3. 2. 3)

Concerning "Other Regulations" stipulated in the FMP 8. 3. 2. 3, the Government of Japan has explained in detail in part 1, Section IV of its comments dated October 7, 1977, the immense adverse impact they would have on its fishing operations.

It requests that the U.S. Government either eliminate these regulations or establish quota allowances for minor species such as incidental catch species. Whatever form the quota system may take, it should be applied equally to the U.S. and foreign fisheries.

(3)

December, 1977

ACTION ON GULF OF ALASKA GROUND FISH

1. Reconsider blackcod OY-
 - a. If increased the closed area off S.E. will have to be reduced -its doubtful if U.S. fishermen could catch much more than 3,800 MT (+800 MT reserve) now set aside in S.E. and Yakutat areas.

(Example) - if OY increased to 15000 MT - S.E. portion (28.2%) = 4230 MT & 1/2 of Yakutat value 2010 MT. (1/2 of 26.8%)

2. Regulations - ADF&G wants to avoid domestic reporting requirements (7 days prior to each trip) but it is part of plan (Section 8.3.1.1(F)) page 224. Council will have to amend plan to make it possible to eliminate the requirement. Can be done by dropping sec. (F)(2) on page 224 in its entirety.

The proposed regulations adopt the language used in the tanner crab plan rather than that in the Gulf of Alaska Groundfish Plan for emergency closures. Kim White recommends we change 8.3.1.1 (G) (Page 225) of the Groundfish Plan to read approximately as follows:

672.7 In-season-Adjustments-of-Seasons-and-Areas. (a) The Regional Director or his designee may, following consultation with the Department, adjust season opening and closing dates specified in section 672.4 based upon the following considerations:

- (1) The effect of overall fishing effort within a statistical area;
- (2) catch per unit of effort and rate of harvest;
- (3) relative abundance of groundfish species within the area in comparison with pre-season predictions;
- (4) general information on the condition of groundfish within the area; or
- (5) any other factors relevant to the conservation and management of the groundfish resource.

(b) a decision made by the Regional Director or his designee pursuant to subsection (a) shall become effective upon issuance of a field order, authorized by the Regional Director and issued to the public by local representatives of the Department who have been designated by local representatives of the Department who have been designated authorized Federal officials for such purpose. Field orders shall be posted and otherwise made available to the public in accordance with procedures followed by the Department.