


MEMORANDUM

TO: Council, AP and SSC Members

FROM: Clarence G. Pautzke
Executive Director 

DATE: January 9, 1992

SUBJECT: International Fisheries

ACTION REQUIRED

- (a) Status of vessel permit regulations.
- (b) NOAA-GC report on Sen. Stevens' letter and Council action as appropriate.

BACKGROUND

Vessel Permit Regulations

In December the Council approved restrictions on foreign and U.S. vessel permits. On foreign permits, the Council recommended restrictions prohibiting transshipment of Donut origin fish. We've made that recommendation several years in a row now, without success at the Secretary's level. For 1992, we finally hit pay dirt: NMFS has restricted foreign fishing vessels from all countries from transshipping Donut fish, and because joint ventures are unlikely, encouraged the countries to withdraw their permit applications unless they intend to support DAP operations. An example letter from NMFS is under item C-4(a).

For U.S. vessels, the Council approved proposed regulations drafted by NOAA GC that when implemented will require any vessel owner or operator who applies for a federal groundfish permit to agree that the vessel will not be used to fish in the Donut during the fishing year. The Council requested the Secretary to expedite these permit restrictions to be effective early in 1992. NOAA GC will report progress on those regulations.

NOAA-GC Report on Additional Donut-related Restrictions

Last September the Council responded to a letter from Senator Stevens by requesting NMFS to develop regulations and permit conditions that would prohibit any vessel or processing facility from participating in fisheries under the Council's jurisdiction if they were affiliated with foreign operations in the Donut Hole. NOAA GC has been working on this issue and will report to the Council.

DEC 24 1991



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1335 East-West Highway
Silver Spring, MD 20910
THE DIRECTOR

Mr. Edward Budzinski
Embassy of the Republic of Poland
820 Second Avenue
New York, New York 10017

Dear Mr. Budzinski:

This letter will apprise you of certain recent developments regarding the issuance of 1992 foreign fishing permits and the status of the Republic of Poland's applications.

In accordance with Section 204 (b) (7) (F) of the Magnuson Fishery Conservation and Management Act (MFCMA), I have determined that 1992 foreign fishing permits issued for transshipment or support activities in Alaska and Pacific fisheries will include a "condition and restriction" to prohibit any transshipment or support operations within the U.S. Exclusive Economic Zone (EEZ) related to fish harvested in a high seas area of the central Bering Sea known as the "donut hole." This action is being taken in the belief that the substantial "donut hole" catch declines discussed at the "Third Conference on the Conservation and Management of the Living Marine Resources of the Central Bering Sea" are indicative of a conservation problem which requires redress under the MFCMA, since a principal component of the "donut hole" fishery is thought to originate in the U.S. EEZ. In contrast to previous years when conservation considerations did not warrant such action, the present circumstances suggest the described prohibition is appropriate as a disincentive to foreign nations involved in the "donut hole" fishery. The prohibition will not affect foreign fishing operations involving other than "donut hole" fish that may be authorized in the U.S. EEZ. A notice on this subject will soon be published in the Federal Register and you will be provided with a copy.

I note Polish applications to date have requested authorization for both joint venture (JV) activities and transshipments of fish harvested in non-EEZ waters. Given the developments described above, it will now be necessary for these applications to be either withdrawn or revised to clarify the nature of the proposed transshipment activities. If these transshipment activities were to have involved "donut hole" fish, you may wish to consider simply withdrawing the applications entirely, thereby avoiding the otherwise necessary payment of \$18,762.00 in permit application fees. While this would, of course, also withdraw

cc: F/CU(2), F/CM(2), F/CM1, F/AKR1, F/NWR3, NPFMC, PFMC,
DOS/OFA-Colson/Snead
NMFS:F/CM1:RADickinson:427-2337:12/11/91:rad:File-DONUT1.PL

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES



the JV requests, for all practical purposes there is virtually no possibility that JV operations will be authorized in Alaska or Pacific fisheries in 1992. Thus, complete withdrawal of all applications may be warranted.

Whether you wish to revise or withdraw applications, please do so by letter as soon as possible. For applications being revised, please state in as much detail as possible the exact nature of the operations and the origin(s) of the fish to be transshipped in the EEZ. Please remit \$354.00 for each application you wish to revise and receive continued processing. No fees will be required for applications being withdrawn at this time. Future applications requesting transshipment or support permits should include appropriate fees and information at the time of their initial submission.

I thank you for your attention to this matter and look forward to your early response.

Sincerely,

Samuel W. McKeen

William W. Fox, Jr.