



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE
 1700 Westlake Avenue North
 Seattle, Washington 98109

April 28, 1977

Mr. William S. Gilbert, Commissioner
 International Pacific Halibut Commission
 c/o Washington Fish and Oyster Company
 Pier 54
 Seattle, Washington 98104

Dear Bill:

This is in further response to your inquiry relative to imports of small halibut from Japan. Bob Balkovic has already given you a summary of findings made in this case by Jerry Howard's law enforcement staff at Terminal Island, California. We can now give you a few additional details as reported to us by Jerry Howard.

The person involved with importing these small halibut in frozen blocks is located in Pasadena, California, and represents a brokerage firm called Amende and Schultz, Inc. The Japanese company exporting this product is Eastern Products Co., Ltd., Tokyo, Japan. In the course of our investigation, we received from Amende and Schultz a Certificate of Confirmation (copy enclosed) issued by the Japan Export Frozen Marine Products Association which essentially states that the halibut exported by Eastern Products Co., Ltd., was legally caught in conformance with Japanese halibut fishing laws. Thus, if these fish are legal under Japanese law, we have no jurisdiction under the Black Bass Act. However, Amende and Schultz have been advised that each subsequent shipment of halibut must be accompanied by a Certificate of Confirmation from Japan and a fish importation statement as required by the Marine Mammal Protection Act of 1972. In addition, when the next shipment of halibut arrives from Japan, Jerry Howard's law enforcement staff will attempt to trace the exact location of where the fish were caught.

Since our evaluation is based on information reported to us by others, we may still question whether some Japanese are taking undersized halibut in the Convention area. Both the Southwest and Northwest Regions recognize the potential problem, and we will keep you advised of any new developments.

Sincerely,

(Sgd.) D. R. Johnson

Donald R. Johnson
 Regional Director



CONFIDENTIAL

MEMORANDUM FOR THE DIRECTOR
SUBJECT: [Illegible]

DATE: [Illegible]
BY: [Illegible]



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FNW 2

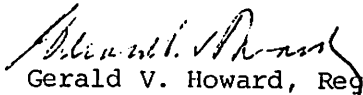
U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service
Southwest Region
300 South Ferry Street
Terminal Island, California 90731

April 18, 1977

FSW32/GRG

To: Donald R. Johnson, Regional Director, FNW

From: 
Gerald V. Howard, Regional Director, FSW

Subject: Importation of Undersized Halibut from Japan

Pursuant to your telephone request to me in early March 1977, we have inquired concerning importation of undersized halibut from Japan. The person seeking approval to import these halibut is Mr. E.H. Schultz, 1017 Fremont Avenue, South Pasadena, CA 91030. He represents a firm called Amende and Schultz, Inc., who are brokers.

This imported halibut was taken in Japan's territorial waters and not in the Okhotsk Sea or convention waters of the Pacific Halibut Fishery. The Japanese company exporting this halibut is Eastern Products Co., Ltd.

It is our understanding that Japanese law does not impose a minimum size limit on halibut caught in Japan's territorial waters. Mr. Schultz has secured documentation from the Managing Director of Eastern Products that the halibut shipped was legally taken under Japanese law. If these fish are legal under Japanese law, we have no jurisdiction under the Black Bass Act. Mr. Schultz has been advised that each shipment imported must be accompanied by a Certificate of Conformation from Japan and a fish importation statement, Form 370, as required by the Marine Mammal Protection Act of 1972. Mr. Schultz indicated the fish are going to Van de Camps which is consistent with the information provided by Mr. Gilbert.

When the first halibut shipment arrives attempts will be made to trace where these fish were actually captured. Apparently the Japanese Fishery Inspection Agency can backtrack the fish to individual vessels.

I will keep you advised on our findings.

Attachments

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
5780 SOUTH CAMPUS DRIVE
CHICAGO, ILLINOIS 60637

RECEIVED
JAN 10 1968
DEPARTMENT OF CHEMISTRY
UNIVERSITY OF CHICAGO

TO: [Illegible]

FROM: [Illegible]

DATE: [Illegible]

RE: [Illegible]

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U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Southwest Region
300 South Ferry Street
Terminal Island, California 90731

April 7, 1977

FSW32/CAC

Mr. Ed Schultz
Amende and Schultz, Inc.
Post Office Box 788
South Pasadena, California 91030

Dear Mr. Schultz:

This letter is to inform you that we have reviewed the Certificate of Confirmation sent to you by Japan Export Frozen Marine Products Association. This confirmation is satisfactory to the National Marine Fisheries Service. This Certificate of Confirmation allows you to import halibut caught in Japanese waters and not be in violation of the Black Bass Act (16 U.S.C. 852).

Please be advised that every halibut shipment you import should be accompanied by this Certification. Additionally, the Certification letter identifies the imported halibut as "frozen fish blocks," so please be sure that Form 370, The Marine Mammal Fish Importation Statement, sent you by the National Marine Fisheries Service, also accompanies each halibut shipment. All deliveries of imported halibut to processors should also be accompanied by these documents.

Thank you for your cooperation in securing appropriate documentation for halibut importation. If I can be of further service to you, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Charles A. Clark".

Charles A. Clark
Special Agent

JAPAN EXPORT FROZEN MARINE PRODUCTS ASSOCIATION

KATSUO MAGURO KAIKAN, KUDANKITA 2-3-22,
CHIYODAKU, TOKYO,
JAPAN

TEL: 264-6351

March 31st 1977

Messrs. Eastern Products Co., Ltd.
1-2-1 Marunouchi, Chiyodaku
Japan

RE: Certificate of Confirmation

Concerning the halibut that has been used as a material fish of frozen fish blocks processed by your Company for export, we have been requested to certify:

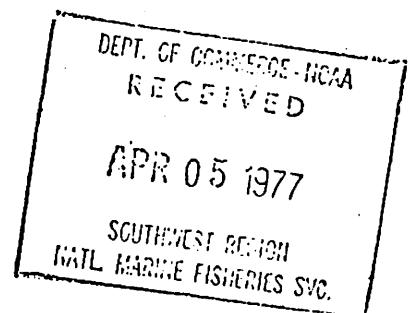
- (1) That the halibut was caught in waters surrounding Northern Japan, or in shore waters and not in the Okhotsk Sea, and
- (2) That the halibut was legally caught fish according to laws of Japan.

Upon receipt of your request, we conducted investigations about those boats that caught the halibut, and about laws and orders of Japan for halibut fisheries in Japan, and now we confirm that your statements (1) and (2) above mentioned are true and correct.

Japan Export Frozen Marine Products
Association

Mitsuya Inagaki

Mitsuya Inagaki
Managing Director.



COMMUNICATIONS SECTION

UNITED STATES DEPARTMENT OF JUSTICE

RECEIVED

APR 17 1964

APR 17 1964

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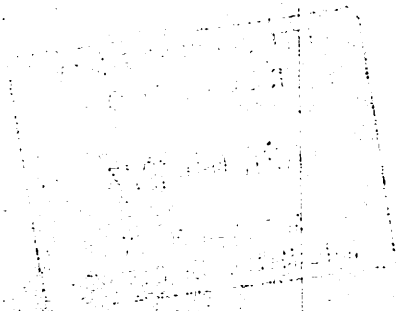
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U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Southwest Region
300 South Ferry Street
Terminal Island, California 90731

April 8, 1977

FSW32/CAC

To: Files

From: Charles A. Clark, Special Agent, FSW32

Subject: Exportation of Halibut Caught in Japanese Waters

At 9:30 a.m. I talked to Mr. Bernie Scud (206-634-1838), Director of the Halibut Commission, Seattle, WA. Mr. Scud told me that under the International North Pacific Fisheries Commission (INPFC), size limits on Pacific halibut do exist. In the Bering Sea, east of 175°W longitude, the minimum length is 32 inches (81cm). With the head removed, this length is 24 inches. West of the 175°W longitude, the minimum size is 26 inches (66cm). The United States, Canada, and Japan have agreed to the INPFC regulations governing minimum size limits of Pacific halibut.

At 10:10 a.m. I talked to Mr. E.H. Schultz (213-682-3806) of Amende and Schultz, Inc., Brokers and Importers, 1017 Fremont Avenue, South Pasadena, CA 91030. Mr. Schultz desires to import halibut from Japan which has been caught in northern Japanese waters. This halibut apparently is smaller than the INPFC minimum size. Mr. Schultz has been assured by persons in Japan that this fish is legally caught under Japanese law and, therefore, "no problem" for them to export. Mr. Schultz wishes to import this Japanese halibut and needs to know if such importation is legal and what documentation should accompany the fish.

At 10:25 a.m. I again consulted with Mr. Scud. He said that, to his knowledge, there is no size limit on halibut taken in Japanese waters. However, according to statistics he has seen, the yearly catch of such halibut is not great. Mr. Scud further indicated that suspicion exists concerning importation of Japanese halibut. There exists a possibility that undersized halibut taken in the Bering Sea are shipped to Japan and processed. These fish are then exported as fish caught in Japanese waters. Mr. Scud said that electrophoretic studies of Pacific halibut are underway and hopefully will alleviate this problem. Mr. Scud said that Canada exports Atlantic halibut to the United States which are smaller than Pacific halibut. However, there is no minimum size for Atlantic halibut.

THE UNITED STATES OF AMERICA
DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535



MEMORANDUM

TO :

FROM :

SUBJECT :

DATE :

CLASSIFICATION :

EXEMPTION :

REASON :

APPROVAL :

DATE :

BY :

REMARKS :

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REMARKS :

At 10:45 a.m. I contacted NMFS, Seattle (FTS 399-7676). I asked to have Special Agent Dickenson contact me as soon as possible.

At 2:00 p.m. I talked to Mr. Matzudo (213-624-8305) of the Japanese Consulate in Los Angeles. I asked Mr. Matzudo if there was a minimum size limit on halibut caught in Japanese waters, and if there were any restrictions under Japanese law regarding their importation. Mr. Matzudo was not aware of any size limit or restrictions. He indicated that any Japanese company desiring to export domestic halibut would do so in compliance with Japanese law. Mr. Matzudo then referred me to the Taiyo Fish Company of Los Angeles.

At 2:05 p.m. I called the Taiyo Fish Company (213-626-3165) and spoke to Mr. Noguchi. Mr. Noguchi told me that to his knowledge there was no exportation restriction on a minimum size of domestic Japanese halibut.

At 2:15 p.m. I again spoke with Mr. Schultz. I informed him that I could not discover any minimum size existing for halibut caught in Japanese waters. I advised him to do the following if he wished to import such fish: (1) to get documentation to accompany each shipment stating where the halibut was caught; (2) to get certification from a responsible official stating that this fish is being exported in compliance with Japanese law. I told Mr. Schultz that illegal shipments of undersized halibut have previously been imported from Japan and he should get this documentation to protect his interests. I further advised Mr. Schultz that if I should discover additional information concerning halibut importation, I would inform him immediately. At 2:30 p.m. I notified Mr. Schultz that fish importation statements are required with halibut importations by marine mammal regulations.

On March 29, Gene Nitta called Mr. Schultz and told him he would send him the fish importation statements to him. Mr. Nitta further advised him of the requirements under the Marine Mammal Protection Act in regard to fish importation.

At 2:45 p.m. on the 29th, Special Agent Dickenson of Seattle called and said that he was not aware of any size limitation regarding halibut caught in Japanese waters.

On April 4, at approximately 9:00 a.m., I talked to Mr. Schultz. Mr. Schultz said he had received a certificate of confirmation from the Japanese company supplying the halibut he wished to import. This certificate verified that the halibut he wished to import met all legal obligations under Japanese law. I requested him to send me a copy of the confirmation for review and I would send him a letter to expedite the importation of the halibut, if the confirmation met the requirements of the National Marine Fisheries Service.

