


MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke   
Executive Director

DATE: September 20, 1989

SUBJECT: Foreign Vessel Permit Applications

**ACTION REQUIRED**

- (a) Review application for **ORIENTAL CRANE**.
- (b) Determine priority consideration for December review of foreign vessel permits for 1990.

**BACKGROUND**

(a) Permit application for ORIENTAL CRANE

The **ORIENTAL CRANE** is a Japanese tanker that was seized on March 21, 1989 by USCGC RUSH for selling fuel to three U.S. fishing vessels in the EEZ without a joint venture support permit and for conducting fisheries support operations within territorial waters by selling fuel to four fishing vessels while anchored in English Bay, St. Paul Island. The **ORIENTAL CRANE** also violated the Jones Act by engaging in coastwise trade, because the fuel sold to vessels in English Bay was originally purchased in Nikiski, Alaska. These violations were reported to the Council at their April meeting. The vessel has posted bond for \$250,000, but there has been no further action on the case.

The Council reviewed and approved the **ORIENTAL CRANE** permit application last December for operations in 1989. The vessel had requested to support foreign vessels only and had no violations history at the time. The vessel's current request is to augment their permit to include support of U.S. vessels (C-3(a)).

(b) Priority considerations for permit review for 1990

In October each year, letters such as those under item C-3(b) are sent to foreign nations and joint venture operators in preparation for permit review in December. I need Council guidance on which aspects, if any, will be emphasized in this year's review.

Also in December, the Council will determine whether to recommend conditions and restrictions on foreign vessel permits. For 1989, the recommendations were to: (1) prohibit transshipment within the U.S. EEZ of fish harvested in the Donut area, (2) prohibit joint ventures in the Gulf of Alaska until September 15, and (3) continue the industry bycatch steering committee controls on bycatch into the 1989 fishery. The Secretary never followed through on conditions 1 or 3. Because the Council may want to recommend similar conditions in 1990, I've asked for a response from NOAA Fisheries. It will be available as a supplemental item under this tab.

Received July 18, 1989

AGENDA C-3(a)  
SEPTEMBER 1989

# Japan Fisheries Association

2505 Wisconsin Ave., N.W. Suite 510  
Washington, D.C. 20007  
(202) 965-1280

HPAC

July 11, 1989

Department of State  
2201 C Street, N.W.  
Room 5806  
Washington, D.C. 20520

Atten: Mr. Scott Buschman  
Fisheries Enforcement Officer  
Office of Fisheries Affairs

Dear Mr. Buschman:

We submit an application for the following vessel, which holds permits for ~~BSA and GOA~~ as a ~~support vessel~~, to add another fishery (WOC) and fueling-J/V support category.

~~ORIENTAL CRANE~~ 8KGD ~~JA-89-0184~~

Thank you very much for taking care of this application at your earliest convenience.

Sincerely yours,

*T. Takahashi*

Takenobu Takahashi  
Designated Representative


Encl:

THE UNITED STATES OF AMERICA  
DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

APPLICATION FOR VESSEL PERMITS TO FISH WITHIN  
THE EXCLUSIVE ECONOMIC ZONE  
FOR DIRECTED FISHING AND TO RECEIVE U.S. HARVESTED FISH (JV)  
FROM VESSELS OF THE UNITED STATES

Under the provisions of the Magnuson Fishery Conservation and Management Act, the Government of Japan submits this permit application for vessels operating under its flag to fish within the exclusive economic zone of the United States, or beyond that zone for anadromous species during the year 1989.

Fishing Vessel Identification Forms and supplemental sheets describing any joint venture operation are attached to this application. The fisheries, species, and catch contemplated in this application for vessels of the Japanese flag are as follows:

Fishery	Species	Total Tonnage Requested For Each Species (MT)	
		<u>Directed</u>	<u>Joint Venture</u>
BSA GOA SNA WOC			(fueling support)

Submitted: July 11, 1989  
Date

Takashi Kato  
Signature  
Takashi Kato  
Counsellor  
Embassy of Japan  
Official's Title

Detailed descriptions of the vessels and the methods of operation with U.S. vessels proposed for each fishery are attached as a supplement to this application.  
Yes  No

FISHING VESSEL IDENTIFICATION FORM (VIF)

NO: JA-89-0184

(1) VESSEL NAME: ORIENTAL CRANE (2) CALL SIGN: 8KGD

(3) HULL NO. : 124679

(4) VESSEL TYPE: TANKER FUEL TANKER (5) LENGTH : 112

(6) GROSS TONS: 3,946 (7) NET TONS: 2,326 (8) MAX SPEED: 13

(9) OWNERS NAME: DAITOH TRADING CO., LTD.

ADDRESS: 2-4-1 MARUNOUCHI CHIYODA-KU, TOKYO, JAPAN

(10) PROCESSING EQUIPMENT: \_\_\_\_\_

(11) HOLD CAPACITY (IN CUBIC METERS - BALE CAPACITY ONLY):

HOLD #1: 1,001 HOLD #2: 1,391 HOLD #3: 1,371 HOLD #4: 1,371

(IF MORE THAN 4 HOLDS, GIVE TOTAL HOLD CAPACITY) 7,851

(12) LIST LAST APPLICATION NUMBER JA-88-0184 IF NONE, CHECK \_\_\_\_\_

(13) ARE FISHING ACTIVITIES REQUESTED IN SUPPORT OF VESSELS OF THE U.S.?  
(IF YES, ATTACH JOINT VENTURE SUPPLEMENTAL RESPONSES) YES X NO \_\_\_\_\_

(14) CHECK IF VESSEL IS CERTIFIED TO BE IN COMPLIANCE WITH THE FLAG NATION'S  
HEALTH AND SAFETY STANDARDS X

(15) FISHERIES FOR WHICH PERMIT IS REQUESTED:

FISHERY	REQUESTED SPECIES	GEAR	ACTIVITY		
			CATCH	PROCESS	OTHER
BSA					FUELING- J/V SUPPORT X
GOA					X
SNA					X
WOC					X

# North Pacific Fishery Management Council

John G. Peterson, Chairman  
Clarence G. Pautzke, Executive Director



Mailing Address: P.O. Box 103136  
Anchorage, Alaska 99510

605 West 4th Avenue  
Anchorage, Alaska 99501

Telephone: (907) 271-2809  
FAX (907) 271-2817

October 14, 1988

TO: Representatives of Foreign Nations Requesting Directed or Joint Venture Fishing Privileges off Alaska in 1989

The North Pacific Fishery Management Council will determine the total allowable level of foreign fishing (TALFF) and total joint venture allocations (JVP) for 1989 when it meets the week of December 5, 1988, in Anchorage, Alaska. The Council will also develop recommendations to the U.S. Secretary of Commerce on how much TALFF and JVP should be allocated to each nation. These recommendations will be based on a thorough review of each nation's contributions in six areas of concern:

1. Domestic Services
2. Domestic Processing
3. Joint Ventures
4. Species Protection
5. Enforcement
6. Research

The Council requests your comments on each of these major areas so they will have a full and accurate understanding of your country's contributions. Attachment 1 expands on each topic and highlights items of particular concern.

Use of U.S. domestic services will be emphasized this year in the Council's review. Use of domestic services includes enhancement of U.S. employment and economic contributions to the U.S. domestic support industry. While these are of importance primarily for individual joint venture applications, similar information concerning foreign directed fishing fleets will be considered with TALFF requests.

Trade relations and foreign investment in U.S. industry will again be of importance this year. In discussing trade barriers, please indicate whether they are amenable to short-term solution or will need longer than a year to resolve.

Catches of pollock and other species of fish in the Donut Area of the Bering Sea are also of great concern, especially the impacts on overall stock abundance and the setting of harvest quotas in the U.S. Exclusive Economic Zone. Each nation should provide accurate and verifiable data on their past, present, and projected catches of pollock and other species from the international waters in question, and cooperate whenever possible in international research programs on those stocks. These concerns have been incorporated in the Council's Policy on Joint Ventures and Allocations (Attachment 2).

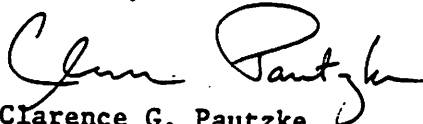
Control of bycatches of halibut and crab by individual joint venture companies fishing for groundfish in the Bering Sea is a fourth major area of concern. The Council will have new bycatch regulations in place for 1989. However, it is incumbent on individual joint venture companies to fish as cleanly as possible, monitor their bycatch rates, and take progressively more stringent actions to curtail fishing operations with excessive bycatch.

Please use the list of information requirements as guidelines to describe your country's contributions, paying particular attention to the Alaska area and the four main concerns noted above. Your written responses should be received in the Council office by 5:00 p.m., Monday, November 21. Copies of foreign vessel permit applications are also required by then. The vessel applications are expected to be complete and have been published in the Federal Register by Friday, December 2. The Council will not consider applications published later than Monday, December 5.

Each country is strongly encouraged to be represented at the Permit Review Committee which is tentatively scheduled to start at 2:30 p.m., Sunday, December 4, 1988, at the Sheraton Hotel in Anchorage. The Council will begin meeting Monday, December 5. After setting TALFF and JVP for 1989 the Council will develop final recommendations on foreign and joint venture allocations based on the report of the Permit Review Committee.

If you have any questions about the information requested or the upcoming meetings, please call Dick Tremaine at (907) 271-2809.

Sincerely,



Clarence G. Pautzke  
Executive Director

Attachments

# North Pacific Fishery Management Council

John G. Peterson, Chairman  
Clarence G. Pautzke, Executive Director

605 West 4th Avenue  
Anchorage, Alaska 99501



Mailing Address: P.O. Box 103136  
Anchorage, Alaska 99510

Telephone: (907) 271-2809  
FAX (907) 271-2817

## MEMORANDUM

TO: All Prospective Joint Venture Operators for 1989

FROM: Clarence Pautzke  
Executive Director *Clarence Pautzke*

DATE: October 14, 1988

SUBJECT: Permit Review Meeting in December

The Permit Review Committee tentatively is scheduled to start at 2:30 p.m. on Sunday, December 4, 1988 at the Sheraton Hotel here in Anchorage and continue into Monday. If rooms are not available, I may move the meeting to Monday evening, December 5. I'll keep you posted about any changes. The Council will start on Monday, but probably will not take up joint ventures until late Wednesday or on Thursday after TAC and DAP are set for 1989.

The Council's Policy on Joint Ventures and Allocations calls for joint venture applications for the December meeting to be received here by 5:00 p.m., Monday, November 21. They should be published in the Federal Register by December 2, and definitely no later than Monday, December 5, to be considered by the Council. As last year, we're mainly interested in your production plans for the coming year and the answers to the questions in the back of the permit applications. The Council will be depending solely on your JVP estimates by area to apportion JVP, so please be as specific as possible.

Many of you become involved in writing or presenting testimony on behalf of your foreign partner requesting directed and/or joint venture operations off Alaska. The enclosures in this mailing were sent to the foreign representatives to guide their testimony to the Permit Review Committee and Council. They highlight the types of information desired from each country.

As I noted in my July 12, 1988, letter to you, the Council will be placing special emphasis in this year's review on the extent to which foreign countries and joint ventures companies use U.S. services and transportation. Three criteria in the attached policy that will be emphasized include:

- Level of U.S. industry involvement in all phases of nation's joint operations (harvesting, processing, marketing, or others).
- Enhancement of U.S. employment at sea and ashore.
- Economic contribution of nation's joint ventures to U.S. harvesting, processing, and support industries.

Other areas of emphasis include trade and investments in the U.S. processing industry, activities in the Donut area, and bycatch control.

Dick Tremaine will be calling around for joint venture updates during or before the last week of November and would appreciate any comments you may have on the materials in this package.

Thanks for your help. See you in December.

enclosures





UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, Maryland 20910

22 SEP 1989

Mr. Clarence G. Pautzke  
Executive Director  
North Pacific Fishery  
Management Council  
605 West 4th Avenue  
Anchorage, Alaska 99501

Dear Clarence,

Thank you for your letter of August 16, 1989, concerning the North Pacific Fishery Management Council's review of a foreign fishing permit application for the Japanese tanker Oriental Crane.

The application presently before the Council is for an amendment of the Oriental Crane's permit (originally granted on December 30, 1988) which allowed the vessel to support foreign fishing vessels. The amended permit is to allow that vessel to support U.S. vessels. Such amendments have been routinely processed without comments by Councils since the activities proposed have generally benefitted the U.S. industry, promoted U.S. trade objectives, and were not an issue related to the protection of U.S. processors' interests under §204(b)(6)(B) of the Magnuson Fishery Conservation and Management Act. The permit for the Oriental Crane was amended as requested on August 11, 1989, consistent with this practice. The Fees and Permits Group was not aware at that time of the alleged violation for which the vessel was seized. We are considering a revision of our practice to provide for Council review of such requests for permit amendments for support such as the subject bunkering, provisioning, and like activities in support of U.S. vessels.

As you know, the Oriental Crane was seized for alleged violations of the Magnuson Act. It has been bonded out for \$250,000.00, and the case is still pending in District Court in Alaska. NOAA believes this is the appropriate action in these circumstances. Our Alaska regional attorney can keep the Council apprised of progress in the case.

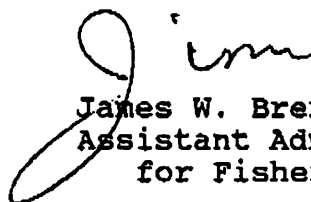


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We anticipate that better communication in the future between our offices and those in Alaska will allow us to be aware of alleged violations of permit applicants so that a pending application for an amendment of an existing permit can be considered in determining the appropriate sanction to be sought.

Sincerely,



James W. Brennan  
 Assistant Administrator  
 for Fisheries

**AMERICAN  
HIGH SEAS**

September 22, 1989

North Pacific Fishery Management Council  
P.O. Box 103136  
Anchorage, AK 99510

RE: C-3 Review Permit Application - Oriental Crane

Dear Council Members:

We are writing to voice our support for a category III permit for this vessel.

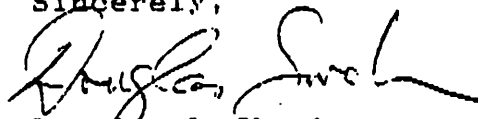
The vessel is a fuel tanker which, we understand, procures its fuel from Petro Marine Services in Dutch Harbor. A category III permit would allow it to provide fuel to U.S. vessels including catchers, factory processors and catcher/processors.

As far as this office is aware the Oriental Crane is the only vessel of its type which may be available to provide this service on the grounds. Its service could consequently be well used by vessels of this and other Associations by allowing them to stay on the fishing grounds. To prevent this service would constitute a costly action for U.S. vessels which would then be compelled to steam to town to refuel.

We have been informed that the vessel has two strikes against it. One, a technical violation, regarding an incorrect category of permit, the details of which we are unaware. The other was apparently an instance wherein the skipper provided fuel to a vessel within 3 miles which we condemn as a stupid act although we are told the two vessels drifted inside the 3 mile limit.

Notwithstanding these transgressions we do ask the Council to please look favorably upon this request.

Sincerely,



Douglas B. Gordon  
Executive Director

DBG:r