

Report To The North Pacific Fishery Management
Council Concerning U. S. Coast Guard MFCMA Enforcement

1. U. S. Coast Guard enforcement effort for 1984. U. S. Coast Guard enforcement efforts for Calendar Year 1984 totalled 871 cutter patrol days and 3102 aircraft patrol hours for over 530,668 patrol miles. A total of 459 boardings of foreign fishing vessels were conducted while combined surface and air patrols sighted 5,429 foreign fishing vessels. These combined efforts resulted in three seizures and the issuance of 67 reports of violation and 142 written warnings. Additional enforcement effort analysis is provided in the enclosures.

2. U. S. Coast Guard enforcement effort for 1985. U. S. Coast Guard enforcement efforts for calendar year 1985, through 23 January, have totalled 31 cutter patrol days and 121 aircraft hours for more than 16,453 patrol miles. Combined enforcement efforts have resulted in the issuance of 4 reports of violation and 5 written warnings. Additional patrol effort analysis is provided in the enclosures.

3. Recent MFCMA Infractions. Since the last report made to the Council (5 December 1984), Coast Guard enforcement efforts have resulted in 35 reports of violation (civil penalty procedures) and 25 written warnings issued to foreign fishing vessels. The following briefly summarizes the major infractions and enforcement activity:

a. In November, CCGDSEVENTEEN (oil) issued written warnings to the following vessels for failure to submit the required activity message twenty-four hours prior to beginning/ceasing fishing operations within the Fishery Conservation Zone: HARUSHIO MARU; AOYAGI MARU; HATSUE MARU NO. 38; and the REKIN.

b. 22 November. USCGC JARVIS issued a report of violation to the Polish stern trawler MARLIN for failure to be in the position at the time stated in its "Cease" message.

c. 25 November. USCGC JARVIS issued 4 reports of violation to the South Korean stern trawler HAN KIL HO for: failure to display proper navigation lights as prescribed by the COLREGS; failure to maneuver in a manner to facilitate boarding; failure to illuminate boarding ladder; and failure to return prohibited species to the sea in a timely manner.

d. 25 November. USCGC JARVIS issued a written warning to the Japanese stern trawler ZUIYO MARU for failure to provide a safe boarding ladder.

e. 28 November. USCGC JARVIS issued a written warning to the South Korean stern trawler KYUNG YANG HO for failure to display the proper dayshape for a vessel at anchor.

f. 28 November. USCGC JARVIS issued one report of violation and two written warnings to the South Korean stern trawler NAMBUG. A report of violation was issued for failure to log prohibited species by pieces caught. Written warnings were issued for failure to accurately maintain the prohibited species log and failure to display the proper dayshape for a vessel engaged in trawling operations.

g. 28 November. USCGC JARVIS issued one report of violation to the South Korean stern trawler DAI HO No. 303 for failure to return prohibited species in a timely manner.

h. 28 November. USCGC JARVIS issued two reports of violation to the South Korean transport vessel No. 5 CHIL BO SAN for failure to accurately maintain its transfer log, and failure to be in the position at the time stated in its "Begin" message.

i. 28 November. USCGC JARVIS issued seven reports of violation to the Japanese transport vessel ORION for failure to log fish products transferred on seven different occasions.

j. 28 November. USCGC JARVIS issued four reports of violation to the Soviet stern trawler SOVGAVAN for the following infractions: failure to log each species separately; failure to log catch of allocated species to the nearest tenth of a metric ton; failure to log the disposition of the catch; and failure to maintain a cumulative total for each species caught. Additionally, two written warnings were issued as follows: failure to sort catch as soon as possible after its retrieval; and failure to display proper dayshape for a vessel engaged in trawling operations.

k. In December CCGDSEVENTEEN (oil) issued written warnings to the following vessels for failure to submit the required activity message twenty-four hours prior to beginning/ceasing fishing operations within the Fishery Conservation Zone: PARMA, KARGAT (twice), ANYO MARU NO. 15, TENKAI MARU, TSUNE MARU NO. 31, and the LEWANTER.

l. 2 December. USCGC JARVIS issued a written warning to the Japanese stern trawler ANYO MARU No. 15 for failure to display proper lights/dayshape for a vessel engaged in trawling operations.

m. 2 December. USCGC JARVIS issued five reports of violation to the Japanese longliner ANYO MARU No. 21 for the following infractions: failure to be in the position at the time stated in its "Shift" message; and failure to minimize its catch of prohibited species on four occasions. The case involving failure to minimize catch of prohibited species is still under review to determine the severity and extent of the violation.

n. 3 December. USCGC JARVIS issued two written warnings and eight reports of violation to the Japanese longliner TENYU MARU No. 37. The reports of violation were issued as follows: failure to minimize its catch of prohibited species on five occasions; failure to monitor 500 khz during the required times of the day; failure to

place boarding ladder in a safe place and failure to illuminate it; failure to log the disposition of all pacific cod caught; failure to log catch of allocated species to the nearest tenth of a metric ton (two infractions); and failure to accurately maintain its Daily Cumulative Catch Log. The written warnings were issued for the following infractions: failure to be alert for signals conveying enforcement instructions from a Coast Guard cutter; and failure to stop immediately and facilitate the boarding as directed by the cutter. The case involving failure to minimize catch of prohibited species is still under review to determine the severity and extent of the violation.

o. 4 December. USCGC JARVIS issued a written warning to the Japanese stern trawler RIKUZEN MARU for failure to properly display the dayshape for a vessel engaged in trawling operations.

p. 11 December. USCGC STORIS issued two reports of violation to the Soviet stern trawler KLYUCHEVSKOY for failure to submit the required activity messages on two occasions.

q. 17 December. USCGC MELLON issued a written warning to the Japanese stern trawler ANYO MARU No. 18 for failure to accurately maintain its Daily Cumulative Catch Log.

r. 30 December. USCGC YOCONA issued a written warning to the Polish stern trawler POLLUX for failure to properly log its by-catch of prohibited species.

s. 31 December. USCGC YOCONA issued two written warnings to the Polish stern trawler AQUILA for failure to accurately maintain their Daily Cumulative Catch Log.

t. In January CCGDSEVENTEEN (oil) issued a written warning to the Japanese tanker TENSHUN for failure to submit the required activity message twenty-four hours prior to beginning/ceasing fishing operations within the Fishery Conservation Zone.

u. 12 January. USCGC YOCONA issued a report of violation to the Polish stern trawler MARLIN for failure to accurately maintain its Daily Cumulative Catch Log.

v. 18 January. USCGC RUSH issued a report of violation to the Polish transport vessel ZULAWY for failure to log each of its transfer operations.

w. 18 January. USCGC RUSH issued a report of violation to the Polish stern trawler PERSEUS for failure to properly maintain its Transfer Log.

x. 20 January. USCGC RUSH issued a report of violation to the Polish stern trawler CASSIOPEIA for failure to properly maintain its Daily Cumulative Catch Log.

- Enclosure:
- (1) U.S. Coast Guard Patrol Effort for 1984
 - (2) Analysis of Boardings and Enforcement Incidents for 1984
 - (3) Surveillance Standard Analysis for Independent Fishing Vessels for 1984
 - (4) Boarding Standard Analysis for Independent Fishing Vessels for 1984
 - (5) U.S. Coast Guard Patrol Effort for 1985
 - (6) Analysis of Boardings and Enforcement Incidents for 1985
 - (7) Surveillance Standard Analysis for Independent Fishing Vessels for 1985
 - (8) Boarding Standard Analysis for Independent Fishing Vessels for 1985

U. S. COAST GUARD PATROL EFFORT
CALENDAR YEAR 1984

	CUTTER PATROL DAYS	AIRCRAFT PATROL HOURS	MILES PATROLLED
JAN	40	192	31711
FEB	59	222	39137
MAR	69	302	42270
APR	59	306	53285
MAY	74	621	93185
JUN	113	223	48428
JUL	97	292	53153
AUG	74	368	54849
SEP	99	56	12120
OCT	61	170	33750
NOV	70	209	43498
DEC	56	141	25282
TOTAL	871	3102	530668

FISHING VESSEL IDENTIFICATION

	JA	KS	PL	TW	GE	UR	TOTAL
JAN	84	26	00	01	04	10	125
FEB	263	135	00	02	05	117	532
MAR	299	136	00	02	07	42	486
APR	154	109	00	17	12	40	332
MAY	71	140	00	24	07	52	294
JUN	65	14	00	02	06	30	117
JUL	548	42	00	09	05	24	628
AUG	573	102	20	13	06	33	747
SEP	570	97	51	12	08	38	776
OCT	296	130	88	13	02	17	546
NOV	234	79	116	04	01	56	490
DEC	167	47	105	00	00	37	356
TOTAL	3324	1057	380	99	63	496	5429

FISHING VESSEL BOARDINGS

	JA	KS	PL	TW	GE	UR	TOTAL
JAN	08	02	00	00	00	00	10
FEB	08	08	00	00	00	00	16
MAR	11	07	00	00	00	03	21
APR	22	07	00	04	01	03	37
MAY	06	16	00	00	00	02	24
JUN	65	14	00	00	01	02	82
JUL	77	04	00	00	00	00	81
AUG	24	12	02	00	01	00	39
SEP	31	17	06	01	01	05	61
OCT	14	05	03	01	00	03	26
NOV	16	05	09	00	01	04	35
DEC	13	05	06	00	00	03	27
TOTAL	295	102	26	06	05	25	459

ENCLOSURE (1)

ANALYSIS OF BOARDING AND ENFORCEMENT INCIDENTS
FOR 1984
 (BOARDINGS/INCIDENTS) *

	JA	UR	KS	TW	GE	PL	PO	ALL	%BRDGS RESULT IN INC
JAN	8/1	0/0	2/1	0/0	0/0	0/0	0/0	10/2	20
FEB	8/1	0/0	8/1	0/0	0/0	0/0	0/0	16/2	13
MAR	11/4	3/0	7/2	0/0	0/0	0/0	0/0	21/6	29
APR	22/3	3/0	7/1	4/1	1/0	0/0	0/0	37/5	14
MAY	6/0	2/0	16/0	0/0	0/0	0/0	0/0	24/0	0
JUN	65/3	2/0	14/3	0/0	1/0	0/0	0/0	82/6	7
JUL	77/1	0/0	4/0	0/0	0/0	0/0	0/0	81/1	1
AUG	24/4	0/0	12/1	0/0	1/0	2/2	0/0	39/7	18
SEP	31/2	5/0	17/2	1/0	1/0	6/0	0/0	61/4	6
OCT	14/5	3/0	5/0	1/1	0/0	3/0	0/0	26/6	25
NOV	16/3	4/1	5/5	0/0	1/0	9/1	0/0	35/10	28
DEC	13/5	3/1	5/0	0/0	0/0	6/3	0/0	27/9	33
Cumulative Total	295/32	25/2	102/16	6/2	5/0	26/6	0/0	459/58	13

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

SURVEILLANCE STANDARD ANALYSIS FOR INDEPENDENT
FOREIGN FISHING VESSELS (FFV) FOR 1984

TIME PERIOD	AVG NUMBER OF FFV ON GROUNDS FOR PERIOD	NUMBER OF FFV ON GROUNDS SIGHTED DURING PERIOD	%SIGHTED
1 JAN - 15 JAN	32	32	100
16 JAN - 29 JAN	36	24	66
30 JAN - 12 FEB	104	45	45
13 FEB - 26 FEB	128	106	83
27 FEB - 11 MAR	64	64	100
12 MAR - 26 MAR	55	55	100
27 MAR - 9 APR	40	40	100
10 APR - 23 APR	44	40	90
24 APR - 14 MAY	37	37	100
15 MAY - 31 MAY	51	51	100
1 JUN - 14 JUN	108	108	100
15 JUN - 27 JUN	126	98	78
28 JUN - 11 JUL	110	86	78
12 JUL - 25 JUL	95	71	75
26 JUL - 8 AUG	107	70	66
9 AUG - 22 AUG	123	98	79
23 AUG - 5 SEP	125	125	100
6 SEP - 18 SEP	116	116	100
19 SEP - 2 OCT	106	106	100
3 OCT - 16 OCT	110	110	100
17 OCT - 30 OCT	120	102	85
31 OCT - 13 NOV	132	117	88
14 NOV - 27 NOV	110	110	100
28 NOV - 11 DEC	110	110	100
12 DEC - 25 DEC	85	41	48
26 DEC - 31 DEC	43	43	100

BOARDING STANDARD ANALYSIS FOR INDEPENDENT
FOREIGN FISHING VESSELS FOR 1984

MONTH	GOAL	ACTUAL BOARDINGS	% ACHIEVED
JANUARY	12	10	83
FEBRUARY	40	16	40
MARCH	19	21	100
APRIL	13	37	100
MAY	14	24	100
JUNE	37	82	100
JULY	35	81	100
AUGUST	42	39	93
SEPTEMBER	39	61	100
OCTOBER	39	26	66
NOVEMBER	41	35	85
DECEMBER	33	27	82
TOTAL	364	459	100

ENCLOSURE (4)

U. S. COAST GUARD PATROL EFFORT
FOR 1985 THROUGH 23 JANUARY

	CUTTER PATROL DAYS	AIRCRAFT PATROL HOURS	MILES PATROLLED
JAN	31	121	16923

FISHING VESSEL IDENTIFICATION

	JA	KS	PL	TW	PO	UR	TOTAL
JAN	75	49	108	00	00	29	261

FISHING VESSEL BOARDINGS

	JA	KS	PL	TW	PO	UR	TOTAL
JAN	04	01	14	00	00	03	22

ANALYSIS OF BOARDING AND ENFORCEMENT INCIDENTS
FOR 1985 THROUGH 23 JANUARY
(BOARDINGS/INCIDENTS) *

	JA	UR	KS	TW	PL	PO	ALL	% BOARDINGS RESULTING IN INCIDENTS
JAN	4/0	3/0	1/0	0/0	14/4	0/0	22/4	18

NOTE: RATIO DOES NOT INCLUDE INFRACTION DETECTED BY MEANS OTHER THAN BOARDING.

ENCLOSURE (6)

SURVEILLANCE STANDARD ANALYSIS FOR INDEPENDENT
FOREIGN FISHING VESSELS FOR 1985 THROUGH 23 JANUARY

TIME PERIOD	AVG NO. OF FFV ON GROUNDS FOR PERIOD	NUMBER OF FFV ON GROUNDS SIGHTED DURING PERIOD	% SIGHTED
1 JAN - 15 JAN	38	38	100
16 JAN - 23 JAN	35	35	100

ENCLOSURE (7)

BOARDING STANDARD ANALYSIS FOR INDEPENDENT
FOREIGN FISHING VESSELS FOR 1985 THROUGH 23 JANUARY

MONTH	GOAL	ACTUAL BOARDINGS	% ACHIEVED
JANUARY	10	21	100

ENCLOSURE (8)

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Department of State

AGENDA B-4
FEB 1985

OUTGOING
TELEGRAM

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E.O. 12356: NA
TAGS: EFIS, JA
SUBJECT: DOJ PRESS RELEASE ON SETTLEMENT OF JAPANESE
FISHING VIOLATION CASE

1. BELOW FOR YOUR INFORMATION IS THE TEXT OF A DEPARTMENT OF JUSTICE PRESS RELEASE ON THE SETTLEMENT AGREEMENT WITH NICHIRO GYOGYO KAISHA. THE DOJ EXPECTS TO ISSUE THE RELEASE ON JANUARY 15.

2. BEGIN TEXT: THE DEPARTMENT OF JUSTICE TODAY ANNOUNCED THAT A JAPANESE COMPANY WILL PAY A \$2 MILLION PENALTY FOR VIOLATING FISHING REGULATIONS IN COASTAL WATERS OF THE UNITED STATES.

IN ADDITION, THE JAPANESE FIRM WILL BE SUBJECTED TO SUBSTANTIAL LOSS OF PERMITS FOR FUTURE FISHING.

ATTORNEY GENERAL WILLIAM FRENCH SMITH SAID THE PENALTY AND PERMIT SUSPENSIONS ARE CONTAINED IN A SETTLEMENT AGREEMENT REACHED BY THE JUSTICE DEPARTMENT WITH NICHIRO GYOGYO KAISHA, LTD., OF TOKYO.

ASSISTANT ATTORNEY GENERAL F. HENRY HABICHT II OF THE LAND AND NATURAL RESOURCES DIVISION SAID THAT THE

AGREEMENT, FILED IN FEDERAL DISTRICT COURT IN ANCHORAGE, CONCLUDES LITIGATION BROUGHT AGAINST THE FIRM FOR FISHING VIOLATIONS OFF THE COAST OF ALASKA IN 1982 AND 1983.

"WE INTEND BY THIS LANDMARK SETTLEMENT TO MAKE IT VERY CLEAR THAT THE UNITED STATES WILL ENFORCE ITS FISHERIES LAWS WITH MAXIMUM VIGOR AND WILL MAKE IT PROHIBITIVELY EXPENSIVE FOR FOREIGN FISHING FLEETS TO UNDERREPORT THEIR HARVEST" HABICHT SAID.

HABICHT SAID THE GOVERNMENT HAD CHARGED THE JAPANESE COMPANY WITH VIOLATING FEDERAL REGULATIONS REGARDING QUOTAS AND THE CONDITIONS OF THEIR FISHING PERMITS, SET BY THE NATIONAL MARINE FISHERIES SERVICE (NMFS) OF THE DEPARTMENT OF COMMERCE.

UNDER FEDERAL LAW, NMFS REGULATES FOREIGN FISHING IN WHAT IS KNOWN AS THE EXCLUSIVE ECONOMIC ZONE--THE 200-MILE WIDE OCEAN ZONE OFF U.S. SHORES.

THE VIOLATIONS OCCURED, HABICHT SAID, IN THE OPERATIONS OF A LARGE CARGO SHIP AND 20 SMALLER VESSELS THAT BROUGHT FISH TO THE CARGO VESSEL.

IN NOVEMBER OF 1983, HABICHT SAID, COAST GUARD PERSONNEL AND NMSF ENFORCEMENT AGENTS BOARDED THE CARGO VESSEL AND SEVEN OF ITS CATCHER BOATS AND FOUND EVIDENCE THAT THE JAPANESE CREWS HAD FALSIFIED AND UNDERSTATED THEIR CATCHES IN RECORDS REQUIRED BY NMFS.

THE FEDERAL AGENTS FOUND ABOARD THE VESSELS VARIOUS DOCUMENTS, INCLUDING CARGO DOCUMENTS MADE OUT BY JAPANESE CREWMEN AND JAPANESE CUSTOMS DECLARATIONS, WHICH CONTRADICTED THE LOGS SUBMITTED TO THE U.S. AUTHORITIES.

"THE JAPANESE COMPANY'S FISHING FLEET APPEARS TO HAVE ENGAGED IN SYSTEMATIC UNDERREPORTING" HABICHT SAID. "THIS SORT OF SYSTEMATIC DECEPTION STRIKES AT THE HEART OF THE U.S. FISHERIES MANAGEMENT PROGRAM, WHICH IS BASED ON ACCURATE FISH HARVEST INFORMATION, AND POSES THE THREAT OF SERIOUS HARM TO OUR NATURAL RESOURCES."

HABICHT SAID THE JAPANESE FIRM HAD AGREED, AS PART OF THE SETTLEMENT, THAT IT WOULD NOT CONTEST THE FEDERAL GOVERNMENT'S CLAIMS THAT LOGS WERE NOT ACCURATELY MAINTAINED DURING FISHING IN THE COASTAL ZONE IN 1982 AND 1983.

THE AGREEMENT REQUIRES THE COMPANY TO PAY THE \$2

MILLION IN FOUR EQUAL ANNUAL INSTALLMENTS TO \$500,000 EACH, WITH THE FIRST ON JANUARY 15 AND THE LAST ON JANUARY 15, 1988. THE \$2 MILLION IS TO BE SECURED WITH AN IRREVOCABLE LETTER OF CREDIT ISSUED BY A BANK WITH OFFICES IN THE UNITED STATES.

IN ADDITION, THE FISHING PERMITS FOR THE 20-VESSEL FISHING FLEET WILL BE SUSPENDED FOR A TOTAL OF 20 VESSEL-YEARS DURING 1985, 1986, AND 1987.

SHULTZ

1/22/84
FY I
Ed W.

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