



MAY 3 1977

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AGENDA ITEM 4
MAY 1977

Mr. Jim H. Branson
Executive Director
North Pacific Fishery Management Council
P.O. Box 3136 DT
Anchorage, Alaska 99510

Dear Jim:

The North Pacific Fishery Management Council's recommendations concerning 49 Japanese fishing permit applications have been duly noted. Action on the 18 permit applications you recommended for approval is underway. The Council recommended disapproval of the 31 applications for independent Japanese tanner crab catcher/processor vessels, pointing out that the applications did not comply with regulations a) requiring the monitoring of all crab landings by U.S. observers and b) processing only on designated factory ships.

The Northwest and Alaska Fisheries Center and Alaska regional elements have jointly explored the complex problem of developing a system which guarantees obtaining complete and accurate statistics and also provides full assurances that the allocated crab catch to Japan is not exceeded.

The pertinent area of fishery lies northwest of the Pribilof Islands roughly 100-400 miles. This is an area that lies beyond the range of fully effective enforcement and surveillance with present capability. Therefore, an effective check on the independent crab vessel activities must be generated by some method other than surveillance by enforcement elements under the present mode. This is not to say that no information can be generated by enforcement--but that patrols alone are not adequate to provide the necessary information for reliably monitoring the independent fleet.

We believe that an expanded observer effort can substantially complement the enforcement surveillance and thereby fulfill our needs to reliably monitor the independent tanner crab vessels. Our proposed course of action for 1977 includes:

1. A JFA patrol ship with 2 U.S. observers aboard will patrol the 300-mile long corridor and conduct boarding inspections during the 3-month period that the independent tanner crab vessels are expected to be operating. The boarding inspection includes checking the holds for processed products and determining the vessel's overall catch in live crab equivalents. From time to time, patrol vessel observers will stay with an independent crab vessel for a full day to witness the catch procedures.



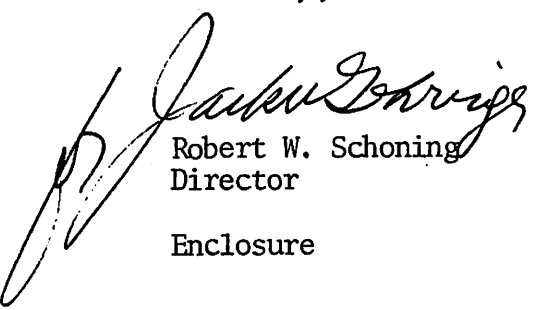
2. U.S. observers also will be placed on four of the independent crab vessels for the duration of the fishery to monitor daily operations and to communicate with U.S. fishery officials as required. If any of these vessels leaves early for Japan, the observer will be transferred to another independent crab vessel.
3. Each independent crab vessel will report daily by radio to the Regional Office its position, daily catch, and cumulative catch.
4. There will be no off-loading of product or transferring of catch or processed product from any fishing vessel to a transport ship unless observed and tallied by one of the six U.S. observers.
5. Once independent crab vessels have entered the U.S. zone they will not be permitted to leave until checked by one of the six U.S. observers. The JFA, the factory ships, and the independent crab vessels will be notified when the total Japanese catch approaches the limit of the tanner crab allocation and will be told to be ready to terminate fishing. This will allow the JFA patrol vessel with two U.S. observers to make a final check of the independent crab vessels before they depart the U.S. zone.

We believe the foregoing procedure will provide the direct contact needed with the independent fleet so we can insure the accuracy of the crab fishery statistics and prevent an overrun of the tanner crab allocation by Japanese fishermen.

Changes to the current tanner crab regulations are being published in the Federal Register. A copy is enclosed.

In short, we believe we will know what is happening in the fishery when it takes place; we will see all crabs that are caught either alive or processed; and will terminate the fishery when the limit of the allocation is reached.

Sincerely,



Robert W. Schoning
Director

Enclosure

Title 50 - Wildlife and Fisheries

Chapter VI - Fishery Conservation and
Management, National Oceanic and
Atmospheric Administration, Department
of Commerce

Part 611 - Foreign Fishing

Foreign Fishing Regulations

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Correction.

SUMMARY: This document is being published to correct certain parts of sections 611.90 and 611.92 in which conflicts with existing regulations and inconsistencies with requirements implementing an observer program have been brought to the attention of the National Marine Fisheries Service. The change in section 611.90 would allow authorized fishing vessels to engage in the crab fishery, require daily reporting by such vessels, and prohibit such vessels from departing the area until crabs onboard each vessel are checked by a U.S. observer. The change in section 611.92 corrects an error in the regulations as to the beginning date for foreign fishing in the Bering Sea and Aleutian Islands between 169⁰ and 170⁰ West longitude.

EFFECTIVE DATE: May 4, 1977.

FOR FURTHER INFORMATION CONTACT: Richard Schaefer, Fishery Management Operations Division, National Marine Fisheries Service, Washington, D.C. 20235 (202-634-7454).

SUPPLEMENTAL INFORMATION: The changes in section 611.90 do not modify the tanner crab allocation of 12,500 metric tons provided to Japan for 1977. These changes authorize those Japanese vessels other than factory ships, that take and process crabs, to engage in the crab fishery. This authorization is based on implementation of an observer program, agreed to by the Japanese government, to verify the catch of crabs taken by those vessels. The changes set forth in section 611.90 involve a foreign affairs function of the United States, and are excepted from the rule-making procedures of the Administrative Procedures Act. Formal notice of proposed rulemaking is therefore not required.

Page 8841, §611.90(g)(2), (4), is corrected and new (5) and (6) are added as follows:

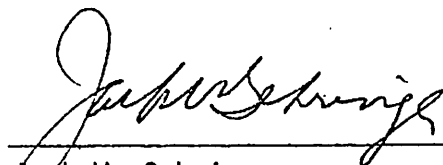
- (2) Process crabs except on factory ships or fishing vessels specifically authorized by permit to engage in the crab fishery.
- (4) Take crabs aboard factory ships or off load or transfer crabs from any fishing vessel specifically authorized by permit to engage in the crab fishery in a manner in which an observer can not verify the total weight of crabs.
- (5) In the case of a vessel specifically authorized by permit to engage in the crab fishery, other than a factory ship, fail to report daily to the Regional Director its (i) position, (ii) daily catch, and (iii) cumulative catch.

(6) In the case of a vessel specifically authorized by permit to engage in the crab fishery, other than a factory ship, depart the fishing area until its catch of crabs onboard is checked by an observer.

Page 8843, §611.92(c)(2)(i) should read as follows:

(i) Between 169⁰ and 170⁰ West longitude, trawl fishing from June 1, 1977 to November 30, 1977, inclusive, and longline fishing from March 1, 1977 to December 31, 1977 inclusive.

Dated: May 2, 1977



Jack W. Gehringer
Deputy Director
National Marine Fisheries Service