



DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

AGENDA ITEM B-4
Address reply to:
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16214
17 July 1981

REPORT TO THE NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL
CONCERNING COAST GUARD FCMA ENFORCEMENT

1. Recent FCMA Infractions. Since the last council meeting seven reports of violation (civil penalty procedure) and two citations (written warning) have been issued. In addition, four foreign fishing vessels were seized for severe FCMA infractions. A brief summary of each infraction follows.

5 a. 30 May. USCGC MIDGETT escorted the seized Canadian tugs RIO SAN LORENZO and SEA FOAM II and their barges, SEA PAC I and SEA PAC II to Dutch Harbor, AK. All vessels had been seized by NMFS on 28 May for catching and processing herring in the Bristol Bay and Norton Sound areas.

5 b. 7 June. USCGC MIDGETT seized the Japanese stern trawler YAMASAN MARU No. 85 for failure to properly maintain its daily cumulative catch log. The log failed to list any catch during the period 31 May - 6 June, displayed an overlogging of pollock, and failed to list prohibited species that had been discarded.

5 c. 10 June. USCGC CONFIDENCE seized the Japanese gill-netter MARUNAKA MARU No. 88 for engaging in fishing activity without a valid 1981 permit, failing to report its fishing activities to the U.S. Coast Guard, retaining a prohibited species (ie. salmon), refusing to permit a lawful boarding and resisting a lawful arrest. *see letter dated 16 Aug 1981 before request made by US ally master*

d. 11 June. USCGC MIDGETT issued a report of violation to the Polish stern trawler ANDROMEDA for underlogging of pollock in its daily cumulative catch log.

e. 21 June. USCGC MUNRO issued two citations to the Taiwanese stern trawler GOLDEN DRAGON No. 1 for failure to properly maintain its daily cumulative catch log. The log failed to list the cumulative catch for the entire year and failed to include the required information from the April 23, 1981, transfer operation.

f. 22 June. USCGC MIDGETT issued four reports of violation to the Japanese stern trawler KYOWA MARU No. 11 for underlogging of sablefish and improper discarding of prohibited species that had been logged in the daily cumulative catch log.

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g. 2 July. USCGC MIDGETT issued two reports of violation to the West German stern trawler FRIEDRICH BUSSE for failure to return prohibited species (ie. crab, halibut) with a minimum of injury.

Enclosure: (1) Summary of U.S. Coast Guard Activity in Dixon Entrance.
(2) Summary of U.S. Coast Guard Southeast Alaska Patrol Activities.
(3) Coast Guard Patrol Effort.
(4) Analysis of Boardings and Enforcement Incidents.
(5) Surveillance Standard Analysis for Independent Fishing Vessels.
(6) Boarding Standard Analysis for Independent Fishing Vessels.

SUMMARY OF DIXON ENTRANCE OPERATIONS

The Dixon Entrance international boundary continues to be a politically sensitive issue involving the U.S. and Canadian fishing fleets. The dispute arises from the Canadian claim that the 1977 agreement, in which both nations agreed to prohibit the development of new fisheries in the questioned area, did not permit American salmon trolling. A brief summary of the recent activities in the disputed area follows:

a. 8 June. While on halibut patrol in Dixon Entrance, the Kodiak-based USCGC STORIS boarded the Canadian fishing vessel SABLE MIST to enforce IPHC regulations. No violations resulted from the boarding, however, USCGC STORIS was informed by the Seventeenth Coast Guard District office of the disputed U.S. - Canadian boundary line and that home - state jurisdiction applied for Canadian vessels in the area. No other boardings of Canadian vessels were performed by USCGC STORIS, although a second boarding was attempted.

b. 30 June. Coast Guard Group Ketchikan received information indicating that a number of Canadian salmon trollers would be conducting a "fish - in" demonstration beginning July 1, in waters clearly under fisheries jurisdiction of the U.S. The purpose of the demonstration was to be an expression of general dissatisfaction with the existing U.S. - Canadian fisheries negotiations. Nearly 100 Canadian fishing vessels arrived on July 1 in the Dixon Entrance area east of Cape Muzon only seven of which were observed fishing in U.S. waters. Upon contact by radio from an on-scene USCG helicopter (HH-3) all seven vessels turned south and departed U.S. waters. By early afternoon all Canadian vessels were observed departing to the east.

c. 11 July. The U.S. salmon troller SILVER SEA was trolling for salmon in Dixon Entrance near Nunez Rock, a location clearly north of the equi-distant line in Dixon Entrance and within the U.S. territorial sea. However, their position was slightly south of the Canadian claimed line through Cape Muzon. While fishing, the SILVER SEA was approached by the Canadian enforcement vessel KITIMAT II and advised that his fishing activities were in Canadian waters and that he would be seized if he did not depart the area. After contact with USCG and NMFS personnel an agreement was reached with Canadian enforcement authorities and the KITIMAT II was called off until the situation could receive further attention by appropriate authorities.

d. 14 July. The Canadian government announced that it would no longer recognize the U.S. troll fishing rights south of a line running from Cape Muzon Light to the U.S. - Canadian border on the mainland and that enforcement actions would be taken if violators were observed. By mid-day, discussions between USCG, NMFS and Canadian officials resulted in the Canadians agreeing to cease active law enforcement operations against U.S. vessels troll fishing in the area until a resolution could be obtained. The issue is presently being pursued through diplomatic channels.

Enclosure (1)

SUMMARY OF SE ALASKA COASTAL PATROL ACTIVITIES

The three U.S. Coast Guard (95-foot) patrol vessels homeported in southeast Alaska have recently played a major role in the FCMA enforcement effort. With the major concentration of the effort located in the vicinity of Sitka, the cutters CAPE CORAL, CAPE HATTERAS, and CAPE ROMAIN have been able to patrol the off-shore waters of the FCZ and to perform boardings on foreign fishing vessels.

Fisheries patrols are scheduled throughout the remainder of the summer for all three vessels with at least one vessel on patrol at all times. By using Sitka as a center point for the patrol the vessels have been able to maintain contact with the Seventeenth Coast Guard District staff in Juneau, and both the USCG Air Station and National Marine Fisheries Service personnel located in Sitka. Through the use of the southeast patrol vessels a combined air-sea Coast Guard effort has become available for utilization in the FCMA enforcement effort.

U. S. COAST GUARD PATROL EFFORT (1981)

	CUTTER PATROL DAYS	AIRCRAFT PATROLS HOURS	MILES PATROLLED	FISHING VESSEL IDENTIFICATIONS								FISHING VESSEL BOARDINGS							
				JA	KS	PL	TW	GE	UR	CA	TOTAL	JA	KS	PL	TW	GE	UR	CA	TOTAL
JANUARY 1981	79	276	34464	249	52	57	00	03	00	00	361	17	03	19	00	00	00	00	39
FEBRUARY	59	150	23649	53	23	76	00	03	01	00	156	11	04	04	00	01	00	00	20
MARCH	70	240	30205	275	60	129	00	05	02	00	469	01	04	00	00	00	00	00	05
APRIL	76	226	33562	128	55	93	01	04	06	00	287	07	03	06	00	00	00	00	16
MAY	110	293	43631	187	62	90	01	04	07	02	353	07	02	01	00	00	00	02	12
JUNE	107	254	42150	205	65	95	01	05	09	01	381	23	07	02	01	00	00	01	34
JULY (through 7/17)	34	76	11825	115	30	43	01	04	05	00	198	07	03	03	00	01	00	00	14

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

	JAPAN	USSR	S.KOREA	POLAND	TAIWAN	W.GER	CA.	ALL	%BOARDINGS RESULTING IN INCIDENT
JAN	17/0	0/0	3/0	19/10	0/0	0/0	0/0	39/10	26
FEB	11/0	0/0	4/0	4/2	0/0	1/1	0/0	20/3	15
MAR	1/0	0/0	4/0	0/0	0/0	0/0	0/0	5/0	00
APR	7/2	0/0	3/2	6/2	0/0	0/0	0/0	16/6	38
MAY	7/0	0/0	2/0	1/0	0/0	0/0	2/2	12/2	17
JUNE	23/3	0/0	7/0	2/1	1/1	0/0	1/0	34/5	15
JULY (through 7/17)	7/0	0/0	3/0	3/0	0/0	1/1	0/0	14/1	7
CUMULATIVE TOTAL	73/5	0/0	26/2	35/15	1/1	2/2	3/2	140/27	19

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

SURVEILLANCE STANDARD ANALYSIS
FOR INDEPENDENT FISHING VESSELS

TIME PERIOD	NUMBER OF F/V ON GROUNDS FOR ENTIRE PERIOD	NUMBER F/V ON GROUNDS FOR ENTIRE PERIOD THAT WERE SIGHTED	%SIGHTED
12 JAN - 25 JAN 81	102	101	99
26 JAN - 08 FEB 81	134	122	91
09 FEB - 22 FEB 81	164	149	91
23 FEB - 08 MAR 81	163	121	74
09 MAR - 22 MAR 81	132	102	77
23 MAR - 05 APR 81	117	104	89
06 APR - 19 APR 81	132	95	72
20 APR - 03 MAY 81	151	95	63
04 MAY - 17 MAY 81	182	117	64
18 MAY - 31 MAY 81	196	145	74
01 JUN - 14 JUN 81	189	119	63
15 JUN - 28 JUN 81	223	161	72
29 JUN - 12 JUL 81	236	146	62
13 JUL - 17 JUL 81	140	93	67

BOARDING STANDARD ANALYSIS FOR INDEPENDENT FISHING VESSELS

MONTH	GOAL	ACTUAL BOARDINGS	% ACHIEVED
JANUARY 1981	25	39	156
FEBRUARY	35	20	57
MARCH	44	05	10
APRIL	34	16	47
MAY	36	12	33
JUNE	61	34	56
JULY (through 7/17)	14	14	100
CUMULATIVE TOTAL	249	140	56

NOTE: BOARDING GOAL IS TO BOARD EVERY INDEPENDENT FOREIGN FISHING VESSEL ONCE PER QUARTER.

FISHERIES AGENCY
MINISTRY OF AGRICULTURE, FORESTRY AND FISHERIES
GOVERNMENT OF JAPAN

2-1, 1-chome, Kasumigaseki, Chiyoda-ku, Tokyo, Japan

CABLE: "SUISANCHO" TOKYO
PHONE: 502-8111
EXT:

Mr. Clement V. Tillion
Chairman, North Pacific Fishery Management Council
Suite 32, 333 West 4th Avenue
Post Office Mall Building
P.O. Box 3136 DT
Anchorage, AK. 99510
U.S.A.

July 16, 1981

Dear Mr. Tillion;

As you know, in recent months, a number of Japanese fishing vessels have been seized by the U.S. Coast Guard in the Bering Sea on alleged infractions of the U.S. Fishery Conservation and Management Act.

It may indeed seem strange to you that, a full five years after conclusion of the U.S.-Japan Fishery Agreement, which inaugurated the 200-mile era, and despite strenuous and continuous efforts by the Government of Japan to assure compliance with the various fishing regulations, certain Japanese fishing vessels would continue to commit violations. You may even feel that the Government of Japan has been remiss in its efforts to prevent violations.

Recognizing your understandable concern, we have appended, for your consideration, a memorandum which explains the preventive measures being taken by the Government of Japan.

So far this year, three Hokuten vessels have been seized. With regard to the Dairin-maru #28 and the Daikichi-maru #35 (on which the U.S. authorities accepted a negotiated fine of \$550,000 and ordered a six-month suspension of the vessel's fishing permit along with dismissal of the offending Captain), we have ordered suspensions of 60 days and 90 days respectively -- 2-3 times longer than the suspension periods imposed to date. Moreover, our suspensions are not to run concurrently with those imposed by the U.S., but rather consecutively.

As to the third vessel--the Yamasan-maru #85-- , we understand that your Government is currently conducting an investigation. As soon as this has been completed and you have reached a decision on how to dispose of this matter, we plan to conduct our own inquiry and mete out suitably severe punishment. The same applied, I may add, to the salmon vessel, the Marunaka-maru #88.

In closing, allow me to express the hope that you will not condemn the entire Japanese fishing fleet on the basis of misconduct by a few isolated vessels.

Yours sincerely,

Hiroya Sano

Hiroya Sano
Director, Oceanic Fishery
Department
Fishery Agency
Government of Japan

C.C. Mr. Jim H. Branson
Executive Director
North Pacific Fishery Management Council

(Attachment)

Measures Already Taken and to Be Taken

Based on the analysis of the causes of the repeated violations, and admitting that our past efforts in eliminating violations have not been entirely successful, we will strengthen our efforts, particularly in the following areas.

- (1) We have taken every opportunity to ensure the proper training and educational opportunities for captains, operators, fishing masters and, to the greatest extent possible, crewmembers.

As far as annual training and educational seminars are concerned, this year we had the seminar at the beginning of this fishing season and in June and made them more substantial.

- (2) We have already stationed one Japanese patrol vessel year-round in the U.S. FCZ. From this fall, we will double the number of patrol vessels and have them conduct instructive and preventive activities more effectively.

- (3) In the past, inspection at landing ports has been conducted by one or two inspectors on the spot. However, the size of the landing by even one

vessel is too huge to be effectively covered by such limited number of inspectors. This year, port inspections will be intensified by using our patrol vessels and their crewmembers together with the inspectors on land for inspection of catches before landing.

(4) From July 15 this year, the new terms and conditions in the permit was established, requiring that the date and place of port entry of all vessels concerned as well as catch report by species be transmitted to the Fishery Agency at least 48 hours prior to their entry into port. This new measure will make the port inspection much more effective ^athen before.

(5) We strengthened administrative sanctions for the serious violations. For example, the period of suspension of the fishing license for the vessels involved was extended as twice as before, from January 1, 1981 for violations which occurred on and after January 1, 1981.

In addition, with respect to repeated violations within a 12 month period, the violator's fishing licenses may be suspended up to a period

of twice the amount of the maximum days.

This amended sanction is so severe as to lead to practical bankruptcies of small scale fishing enterprises. Though this is not our first preference, we feel that this severe measure is necessary at this stage to rectify the situation.

- (6) To prohibit a person from boarding a vessel is difficult, since it implies not only depriving him of a job but also imposing social death in the Japanese traditional fishing community. However, when captains or fishing masters commit serious and flagrant violations, we will study the possibility of issuing administrative orders to prohibit them from boarding any vessel for a certain period which is engaged in the fishery concerned.