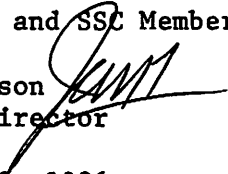


M E M O R A N D U M

TO: Council, AP and SSC Members

FROM: Jim H. Branson   
Executive Director

DATE: September 18, 1986

SUBJECT: Permits for U.S. Support Vessels.

ACTION REQUIRED

Recommend that NMFS/Alaska Region require permits on U.S. vessels supporting groundfish operations in the Alaska EEZ.

BACKGROUND

The question has recently been raised about whether it is necessary to amend the Gulf of Alaska and Bering Sea/Aleutian Islands groundfish regulations to require permits on U.S. vessels supporting groundfish operations in the Alaska EEZ. Some are of the opinion that a permit would aid in tracking fishery activity, including deliveries of foreign processed product from the EEZ to the U.S. market.

As outlined below, it would appear that no regulatory amendments are necessary. The Gulf of Alaska and Bering Sea/Aleutian Islands groundfish regulations currently require permits for U.S. vessels fishing for groundfish in those management areas. The regulatory definition of fishing includes any operation at sea in support of the catching, taking or harvesting of fish.

The Gulf of Alaska and Bering Sea/Aleutian Islands groundfish regulations require permits on U.S. vessels before they may fish for groundfish in the relevant areas. [50 CFR §672.4(a)--Gulf of Alaska, and 50 CFR §675.4(a)--Bering Sea/Aleutian Islands] Both sets of regulations define fishing\* as, "any activity, other than scientific research activity conducted by a scientific research vessel, which involves:

- (1) the catching, taking or harvesting of fish;
- (2) the attempted catching, taking or harvesting of fish;
- (3) any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish; or
- (4) any operations at sea in support of, or in preparation for, any activity described in subparagraph (1), (2) or (3) above." [50 CFR §672.2 and §675.2] (Emphasis added)

The application for a groundfish permit requires a disclosure of whether the U.S. vessel is to be used in fish harvesting or support operations. [50 CFR §672.4(b) and §675.4(b)]

There can be no question the permit requirements in the Gulf and Bering Sea/Aleutian Islands groundfish plans were intended to apply to U.S. vessels supporting fishing and processing activity in the groundfish fisheries off Alaska. Section 8.8.1 of the Gulf plan reads:

All U.S. fishing vessels operating in that part of the Gulf of Alaska groundfish fishery which is under Council jurisdiction must have a current permit issued annually by the Secretary of Commerce or, if considered acceptable by the Secretary of Commerce, a State of Alaska vessel license.

"Fishing vessel" is defined in the Gulf groundfish regulations to mean any vessel which is used for fishing, or aiding or assisting one or more vessels at sea in performance of any activity related to fishing. (50 CFR §672.2 -- This definition also appears in Section 3 of the MFCMA and in the Bering Sea/Aleutian Island groundfish regulations at 50 CFR §675.2.) Section 14.4 of the Bering Sea/Aleutian Islands groundfish plan states:

All U.S. vessels harvesting and retaining groundfish or engaging in support activities in that part of the Fishery Conservation Zone governed by this FMP must have on board a current permit issued by the Secretary of Commerce or, if considered acceptable by the Secretary of Commerce, a State of Alaska vessel license.

Based upon the foregoing discussion of the relevant groundfish regulations and FMP sections, the Council may wish to request NMFS/Alaska Region to require permits on domestic vessels supporting groundfish operations in the Alaska EEZ.

\*The definition is based upon that found in Section 3 of the MFCMA.