


FISHING POTS ON SINGLE LINES

**MATERIAL FOR THIS AGENDA ITEM CAN BE FOUND
UNDER ITEM D-3(d)**

MEMORANDUM

TO: Council, AP and SSC Members

FROM: Clarence G. Pautzke 
Executive Director

DATE: September 19, 1990

SUBJECT: U.S. Fisheries in the Donut Hole

ACTION REQUIRED

Consider policy on U.S. fisheries in the Donut Hole outside the U.S. Exclusive Economic Zone.

BACKGROUND

In August the Council briefly discussed the need for regulations governing domestic fishing activities outside 200 miles in the Central Bering Sea. A groundfish proposal to restrict such activities has been placed before the Council at this meeting for consideration in the 1991 amendment cycle. In the meantime, the Council thought that policy on those fisheries should be developed starting at the September meeting.

NOAA General Counsel has advised that the Secretary may be able to directly regulate U.S. vessels beyond the EEZ so long as the regulation bears some rational relationship to and is necessary and appropriate for the conservation and management of fishery resources over which the U.S. exercises exclusive management authority, i.e., resources in the EEZ or anadromous species. Council views ranged from prohibiting all fishing in the Donut to allowing domestic fisheries because other countries fish there. There were concerns expressed over the sensitivity of ongoing international negotiations on the issue and how to maintain the the pollock resource if a viable fishery develops further on the stocks outside 200 miles.

The Council suggested that the Fishery Planning Committee consider the issue and that the U.S.-Soviet Intergovernmental Consultative Committee give their suggestions. The ICC did not meet but the Fishery Planning Committee, meeting on August 24, indicated their preference that all domestic fishing be prohibited outside 200 miles in the Bering Sea. They requested the staff to draft policy alternatives and research how other countries regulate their fishermen in the Donut.

Draft policy alternatives are attached as item D-4(g)(1). The State Department is prepared to handle the foreign regulations topic. Item D-4(g)(2) is a comment from Oceanrawl.

DRAFT

DRAFT

DRAFT

DRAFT

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

Policy on U.S. Fisheries in the Central Bering Sea outside the U.S. EEZ

PREAMBLE

The Magnuson Act charges the North Pacific Fishery Management Council with conservation and management of fisheries resources off Alaska. Of particular importance is the groundfish complex of the Bering Sea and Aleutian Islands. Pollock is a major component of that resource, contributing almost two thirds of the annual harvest. The species ranges widely in the Bering Sea, well beyond the U.S. 200-mile Exclusive Economic Zone.

A major policy goal of the Council and the Magnuson Act during the 1980s was to develop U.S. fisheries and displace foreign fisheries from the U.S. EEZ. Foreign fisheries ended in the Gulf of Alaska in 1987 and in the Bering Sea and Aleutians in 1988. Unfortunately, foreign fleets of five countries displaced from the U.S. zone moved to the Central Bering Sea to fish pollock.

The Council has grave concerns with the potential consequences that unregulated foreign fisheries in the Central Bering Sea may have on pollock stocks within the U.S. EEZ. U.S. scientists have concluded that about 90% of the resource are of U.S. origin. Reported catches of 1.4 million metric tons exceed the U.S. catch within 200 miles and do not include discards. These uncontrolled foreign harvests threaten long-term conservation of the pollock resource.

The Council has urged the U.S. State Department to negotiate a ban on fishing outside 200 miles. The Council supports the efforts of the U.S.-USSR Intergovernmental Consultative Committee on Fisheries and the U.S. -Soviet Bering Sea Fisheries Advisory Body in developing fishery conservation and management options for pollock in the Central Bering Sea.

There have been recent reports of U.S. fishing operations on pollock and increasing interest in such activity in the Central Bering Sea. Though the Council encourages optimal utilization of available resources, the unknown impacts of such activity on U.S. stocks and the sensitive international situation regarding the uncontrolled foreign fisheries dictate conservative management for U.S. fisheries attempting to develop outside 200 miles. Therefore, the Council has adopted the policy stated below.

POLICY OPTION 1

The North Pacific Fishery Management Council's policy is to strictly prohibit all U.S. fishing activity in the Central Bering Sea outside the U.S. EEZ. Such a prohibition supports the efforts of the Council and the United States in seeking a ban on unregulated foreign fisheries that may be adversely affecting pollock stocks within the U.S. EEZ. The Council intends to develop regulations governing the Central Bering Sea fishery and may revise its policy after this regulatory process is completed.

POLICY OPTION 2

The North Pacific Fishery Management Council's policy is to strongly discourage U.S. fishermen from operating in the Central Bering Sea outside the U.S. EEZ. Fishermen who choose to fish outside the U.S. EEZ will be required to carry observers and abide by all reporting and other regulations that apply to groundfish fisheries inside 200 miles. Because the majority of the pollock in the Central Bering Sea inhabit U.S. waters at some time of the year or their life cycle, all U.S. harvest outside 200 miles will be accounted within the Total Allowable Catch prescribed annually for pollock under the authority of the Bering Sea and Aleutian Islands Groundfish Fishery Management Plan. The Council intends to develop regulations governing the Central Bering Sea fishery and may revise its policy after this regulatory process is completed.

POLICY OPTION 3

The North Pacific Fishery Management Council's policy is to allow for a limited fishery on pollock in the Central Bering Sea outside the U.S. EEZ to gather data on fish abundance and distribution. Such fishing will be conducted in accordance with a scientific sampling plan developed and approved by NMFS in consultation with the Council. Fishermen who choose to participate will be required to carry observers and abide by all reporting and other regulations that apply to groundfish fisheries inside 200 miles. Because the majority of the pollock in the Central Bering Sea inhabit U.S. waters at some time of the year or their life cycle, all U.S. harvest outside 200 miles will be accounted within the Total Allowable Catch prescribed annually for pollock under the authority of the Bering Sea and Aleutian Islands Groundfish Fishery Management Plan. The Council intends to develop regulations governing the Central Bering Sea fishery and may revise its policy after this regulatory process is completed.

Oceanrawl

Page 2

Mr. Clarence Pautzke

September 7, 1990

Under no circumstances, however, should U.S. vessels be prohibited or even discouraged from fishing in the Donut Hole as long as vessels from other nations are fishing there. It would be ludicrous to impose restrictions on our vessels when our major competitors from Japan, Korea and other countries are freely operating in the area. This would not only put American fishing operations at a competitive disadvantage, it would provide an incentive for the other nations to delay development of any sort of effective management regime for the Donut Hole. We would, in effect, be holding our own fishermen hostage to force other countries to take action.

There was some suggestion at the FPC meeting that the vessels from other countries currently operating in the Donut Hole are "regulated". We have heard this argument before, but have yet to learn what sort of regulations those vessels are operating under. I would suggest that the Council ask the U.S. State Department to query those other countries as to:

1. The number of vessels they have in the Donut Hole;
2. The names, identification numbers and owners of the vessels;
3. The quantity of fish, by species, those vessels took from the Donut Hole in each of the last five years and;
4. The specific regulations under which those vessels operate, including those that would limit the all nation catch.

The Council should have the above-referenced information before it considers any sort of restrictions on U.S. vessels in the area.

To reiterate, my suggestion is that the Council adopt a policy calling for:

1. An immediate moratorium on all fishing in the Donut Hole.
2. A requirement that all U.S. fishing vessels abide by that moratorium if other countries adopt similar restrictions on their vessels;

Oceanrawl

Page 3

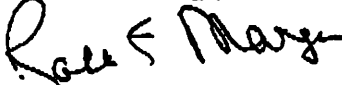
Mr. Clarence Pautzke

September 7, 1990

3. In the absence of a multilateral moratorium, a requirement that any U.S. vessels operating in the Donut Hole carry an observer; and
4. That detailed information regarding the nature and extent of regulations imposed on foreign vessels operating in the Donut Hole be collected before any further restrictions on U.S. vessels are considered.

I would appreciate it if you would include the above-described option in the list of alternatives prepared for the Council's review. I plan to attend the September meeting and will be available to answer any questions the Council might have on my suggestions.

Sincerely,



Robt. F. Morgan

RFM:kg