

HJR

19

COMMITTEE REPORT

HOUSE

FURTHER: RESOURCES

Date: February 10, 1913

Mr. Speaker:

The HOUSE SPECIAL COMMITTEE ON
FISHING has had HELD

relating to United States observers on foreign fishing vessels.

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with Ct for _____ same title
 new title
- and recommends do pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:



[Signature]

CHAIRMAN

"Letter Of Intent To Accompany House CS for SJR 10 (fisheries)"

It is the intent of the House Special Committee on Fisheries that a reopening of the United States/Canada Salmon Treaty negotiations would address the following topics of concern to the Alaska Fishing industry:

1. The chinook catch for commercial Southeast Alaska salmon fisheries needs to be raised to a minimum of 320,000 to insure the continued economic viability of the troll fishery. This figure should be adjusted annually to account for Alaska hatchery production.
2. The area off the West Coast of Vancouver Island (statistical areas 20 through 27) should be limited by a harvest lid for chinook salmon.
3. Size limits on king salmon cannot be allowed to increase under the treaty. If they did increase, the actual harvest numbers could remain within the limits while total poundage increased negating any benefits to escapement.
4. A provision should be added which would address Columbia River tribes treaty fishing rights, if any, for the term of the U.S./Canada salmon treaty.
5. On the Stikine River, Canadian sockeye salmon harvests should be limited to 35% and there should be no directed Canadian harvest of coho salmon.
6. On the Taku River, Canada should be held to the 1983 limits of 3000 sockeye salmon and 5000 pink salmon until enhancement efforts result in stronger returns.
7. The drift gill net fishery at Tree Point for sockeye salmon should be limited to 2800 boat days through ADF&G statistical week 31 or until the beginning of the pink salmon management plan rather than a catch limit until better tagging data is available. The catch limit of 130,000 leaves no means for the Alaskan gillnetters to benefit from enhancement efforts.
8. Annex IV, chapter 1, paragraph 1 deeming U.S. origin of 37.5 percent of the salmon originating in Canadian sections of transboundary rivers should be moved from the Annex portion of the treaty document.
9. The purse seine fishery at Noyes Island for sockeye salmon should be limited to 920 boat days through ADF&G statistical week 31 rather than a catch limit until better tagging data is available. The 160,000 leaves no means for the Alaskan seiners to benefit from enhancement efforts.
10. The Yukon River should either be deleted from this treaty and handled separately or the current wording should be changed so that any accounting of interceptions be done only after adequate research is completed.

Short Analysis of CSHJR 19

This resolution asks Congress to amend Section 201 of the Magnuson Fishery Conservation and Management Act to:

1. Provide that U.S. observers be stationed on all foreign catcher vessels and motherships operating in the FCZ;

Current FCMA provides that if the catch of a harvesting vessel will be transferred to a mothership where an observer is aboard, then the catcher need not have an observer. It is suspected that violations are heavy on these catcher vessels, and would not be as prevalent if observer were aboard all vessels fishing in the FCZ.

2. Require that the vessels provide adequate, safe and clean quarters for the observers.

Currently a fishing vessel may be waived the observer requirement if inadequate or unsafe quarters would jeopardize the observer. By requiring in law that vessels fishing the FCZ provide adequate quarters, this loop-hole would be closed.

3. Define the conditions, "beyond the control of the secretary" under which the observer requirement may be waived for a foreign vessel.

This answers the often misused loop-hole at subparagraph (2)(c) where the observer requirement may be waived if no observer is available, for reasons beyond the control of the secretary.

4. Require that vessels without observers report to a U.S. port for review of ship's log and catch after fishing in FCZ.

It was the consensus of the fisheries committee that if a vessel did manage to get the observer requirement waived, the least we should ask is that they report for an inspection of what they caught and where and when they caught it.

The addition of item 4 is the only change from the original HJR 19.

The resolution goes to President Reagan, Vice President Bush, Congressional leaders and members of the Alaskan delegation.

(1) FULL OBSERVER COVERAGE PROGRAM.

(1) Except as provided in paragraph (2), the Secretary shall establish a program under which a United States observer will be stationed aboard each foreign fishing vessel while that vessel is engaged in fishing within the fishery conservation zone.

(2) The requirement in paragraph (1) that a United States observer be placed aboard each foreign fishing vessel may be waived by the Secretary if he finds that

MOTHER SHIPS →
OBSERVER REQUIREMENT WAIVED

(A) In a situation where a fleet of fishing vessels transfers its catch taken within the fishery conservation zone to another vessel, aboard which is a United States observer, the stationing of United States observers on only a portion of the harvesting vessel fleet will provide a representative sampling of the bycatch of the fleet that is sufficient for purposes of determining whether the requirements of the applicable management plans for the bycatch species are being complied with;

(B) with respect to any foreign fishing vessel while it is engaged in fishing within the fishery conservation zone

TOO SHORT FISHING TIME →

(i) the time during which the vessel engages in such fishing will be of such short duration that the placing of a United States observer aboard the vessel would be impractical, or

INADEQUATE FACILITIES →

(ii) the facilities of the vessel for the quartering of a United States observer, or for the carrying out of observer functions, are so inadequate or unsafe that the health or safety of an observer would be jeopardized; or

NO OBSERVER AVAILABLE →

(C) for reasons beyond the control of the Secretary, an observer is not available.

(3) Observers, while stationed aboard foreign fishing vessels, shall carry out such scientific, compliance monitoring, and other functions as the Secretary deems necessary or appropriate to carry out the purposes of this Act; and shall cooperate in carrying out such other scientific programs relating to the conservation and management of living resources as the Secretary deems appropriate;

(4) In addition to any fee imposed under section 204(b)(10) of this Act and section 10(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1980(e)) with respect to foreign fishing for any year after 1980, the Secretary shall impose, with respect to each foreign fishing vessel for which a permit is issued under section 204, a surcharge in an amount sufficient to cover all the costs of providing a United States observer aboard that vessel. The failure to pay any surcharge imposed under this paragraph shall be treated by the Secretary as a failure to pay the permit fee for such vessel under section 204(b)(10). All surcharges collected by the Secretary under this paragraph shall be deposited in the Foreign Fishing Observer Fund established by paragraph (5).

PERMIT SURCHARGE FOR OBSERVER COSTS

(5) There is established in the Treasury of the United States the Foreign Fishing Observer Fund. The Fund shall be available to the Secretary as a revolving fund for the purpose of carrying out this subsection. The Fund shall consist of the surcharges deposited into it as required under paragraph (4). All payments made by the Secretary to carry out this subsection shall be paid from the Fund, only to the extent and in the amounts provided for in advance in appropriations Acts. Sums in the Fund which are not currently needed for the purposes of this subsection shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

(6) If at any time the requirement set forth in paragraph (1) cannot be met because of insufficient appropriations, the Secretary shall, in implementing a supplementary observer program:

(A) certify as observers, for the purposes of this subsection, individuals who are citizens or nationals of the United States and who have the requisite education or experience to carry out the functions referred to in paragraph (3);

(B) establish standards of conduct for certified observers equivalent to those applicable to Federal personnel;

(C) establish a reasonable schedule of fees that certified observers or their agents shall be paid by the owners and operators of foreign fishing vessels for observer services; and

(D) monitor the performance of observers to ensure that it meets the purposes of this Act.

INSUFFICIENT APPROPRIATIONS