

HJR

19

SENATE RESOURCES COMMITTEE
LEGISLATION CHECKLIST

IDENTIFICATION:

BILL NUMBER: CSHJR 19 (Fish)
BILL NAME: Relating to U.S. observers on foreign fishing vessels.
SPONSOR(S): Gussendoy, McBride,
Wendte, Zhanoff
DATE INTRODUCED: 3-7-83
REFERRALS: Resources

RELATED BILLS PENDING:

INITIAL RESEARCH:

BILL SUMMARY COMPLETED:

SUMMARY BY LEGAL DIVISION:

SPONSOR CONTACTED FOR
BACKUP MATERIALS:

DEPT. OF LAW SUMMARY:

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS/GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE:

BACKGROUND MATERIAL DISTRIBUTED:

PSA/PRESS RELEASE:

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/COMMITTEE
SUBSTITUTES DRAFTED:

CSHJR 19 (Fisheries)

RELATING TO UNITED STATES OBSERVERS ON FOREIGN FISHING VESSELS.
SPONSOR: GRUSSENDORF, MCBRIDE, WENDTE, ZHAROFF

Section 201 of the Magnuson Fishery Conservation and Management Act provides for the stationing of U.S. observers aboard each foreign vessel fishing in the fishery conservation zone, but also allows the Secretary of Commerce to waive the requirement of stationing U.S. observers under certain circumstances. In 1982 only 20% of foreign vessels in the fishery conservation zone had observers stationed aboard.

Stationing U.S. observers aboard foreign fishing vessels would provide more complete information about the degree of foreign interception of Pacific salmon and about the migratory patterns of the Pacific salmon which would assist the State in establishing optimum salmon escapement and harvest levels.

CSHJR 19 (Fish) requests the U.S. Congress to amend the Magnuson Act to:

- 1) Provide that U.S. observers be stationed aboard all catcher vessels, as well as mother ships, of foreign fleets fishing in the fishery conservation zone
- 2) Provide that the foreign vessels be required to provide adequate, safe, clean quarters for U.S. observers
- 3) Provide that a vessel for which the observer requirement has been waived proceed to a U.S. port for a review of the vessel's logs and catch after fishing in the fishery conservation zone.

RECEIVED RESOURCES COMMITTEE APPROVAL APRIL 23, 1984 - ALL DO PASS.

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
MULCAHY
STURGULEWSKI



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

MINUTES

April 23, 1984
3:03 pm

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

Senator Fahrenkamp, Chairman
Senator Ziegler, Vice Chairman
Senator Eliason
Senator Paul Fischer
Senator Vic Fischer
Senator Mulcahy
Senator Sturgulewski

CALENDAR

CSHB 376, An Act amending the Limited Entry Act; providing for landing permits.

CSSB 624, An Act relating to qualifications for a homesite.

HJR 19, Relating to United States observers on foreign fishing vessels.

SJR 44, Requesting the establishment of an Alaska National Interest Lands Act information and education center in Ketchikan.

HJR 19

Representative Grussendorf, sponsor of the resolution, explained that CS HJR 19 requests the U.S. Congress to amend the Magnuson Act to ensure that U.S. observers be stationed aboard all foreign fishing boats in the Fishery Conservation Zone.

Senator Mulcahy moved CS HJR 19 from committee with individual recommendations. There was no objection.

CSHB 376

Christine Kelly, Licensing Administrator, Commercial Fisheries Entry Commission, explained that the fiscal note for HB 376 was to cover costs that would be incurred if the commissioner finds that landing permits should be issued in several fisheries in FY 85.

Senator Mulcahy moved that the fiscal note be eliminated and moved SCS CSHB 376 (Res) from committee with individual recommendations. There was no objection.

HB 624

Sandra Schubert, Aide to Senator Fahrenkamp, explained that CSHB 624 amends the homesite program to conform with the homestead program by allowing transfer of a homesite entry permit in the case of an extreme emergency or illness that disables the applicant.

Senator Mulcahy moved CSHB 624 from committee with individual recommendations. There was no objection.

SJR 44

Senator Ziegler spoke in support of the resolution.

Senator Eliason explained that Sitka is also a potential site for the center, and supported its location there.

Senator Ziegler moved CS SJR 44 from committee with individual recommendations. There was no objection.

The meeting adjourned at 3:23 pm.

Alaska State Legislature

REPRESENTATIVE
BEN GRUSSENDORF
P.O. BOX 928
SITKA, ALASKA 997 5
(907) 747-8458

HOUSE FINANCE COMMITTEE
SPECIAL COMMITTEE ON FISHERIES

DISTRICT 3
ELFIN COVE
PELICAN
PORT ALEXANDER
SITKA
HOONAH
TENAKEE



WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA
99811
(907) 465-3824
(907) 465-4965

House of Representatives

MEMORANDUM

TO: Senator Bettye Fahrenkamp, Chairman
Senate Resources Committee

FROM: Representative Ben Grussendorf

RE: CSHJR 19(Fish)-Relating to U.S. observers on foreign fishing
vessels

DATE: April 10, 1984

I would appreciate your consideration in scheduling CSHJR 19(Fish) for a hearing in the Senate Resources Committee.

HJR 19

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3200

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 24, 1983

SUBJECT: Observers on foreign fishing vessels
(Work Order NO. 13-0500)

TO: Representative Ben F. Grussendorf

FROM: Edward H. Hein *EHA*
Legislative Counsel

I thought you should be made aware that President Reagan last week signed into law H.R. 5002, which amends the Magnuson Fishery Conservation and Management Act. Sec. 2 of the bill provides, among other things, that

It is the sense of Congress that each (governing international fishing) agreement shall include a binding commitment, on the part of such foreign nation and its fishing vessels, to comply with the following terms and conditions: . . . (2)(D) United States observers required under subsection (i) be permitted to be stationed aboard any such vessel and that all of the costs incurred incident to such stationing, including the costs of data editing and entry and observer monitoring, be paid for, in accordance with such subsection, by the owner or operator of the vessel;

The bill does not amend that portion of sec. 201 of the Magnuson Act which specifies the conditions under which the Secretary of Commerce may waive the requirement that observers be stationed aboard foreign vessels fishing in the fishery conservation zone.

If you have any further questions or comments about the subject of this memorandum or about the resolution I drafted for you, feel free to contact me at your convenience.

EHH:ljb

North Pacific Fishery Management Council

James O. Campbell, Chairman
Jim H. Branson, Executive Director

605 West 4th Avenue
Anchorage, Alaska 99510



Mailing Address: P.O. Box 103136
Anchorage, Alaska 99510

Telephone: (907) 274-4563
FTS 271-4064

#5-84

October 2, 1984

Sea Resources

NEWSLETTER

The National Marine Fisheries Service announced at the North Pacific Fishery Management Council meeting in Anchorage that documents seized from Japanese fishing vessels indicate organized measures have been used by Japanese fishing associations to frustrate U.S. observer programs and at-sea enforcement.

U.S. enforcement officers during investigations of Japanese vessels for improper catch logging and reporting seized and subsequently translated Japanese language documents that indicate the Japanese Longline and Gillnet Association and the National Federation of Medium Trawlers used highly organized schemes to manipulate U.S. observer coverage on their vessels. The tactics included purposeful reductions in catch and restricting fishing areas to bias observer data, allowing the foreign vessels to avoid payment of poundage fees and resulting in inaccurate estimates of fish stocks by fishery managers.

The documents infer that vessels without observers aboard fished without restriction but reported only assigned quotas while ships with observers aboard artificially restricted fishing success in order to lower U.S. estimates of catches, thus skewing overall catch estimates for their fleet as much as 40% to 70% lower than actually caught.

The schemes also involved monitoring U.S. patrol units to prevent at-sea boardings of vessels that did not have observers assigned. Patrol craft location and movement information was exchanged by code between Japanese vessels to allow movement away from patrol vessels. When vessels without observers were boarded catch underlogging violations were often found.

The documents cover the years 1981-82 and indicate the same system was in effect in 1980. According to the NMFS report similar observer and enforcement countermeasures may, to some extent, be continuing. Observer coverage has increased from 20% in 1982 to almost 80% in 1984, making it more difficult to frustrate that program though probably not interfering with the operations of a "mutual warning network" to track and evade U.S. enforcement units.

While it is probably impossible to develop a precise figure for the difference between the actual catch and that reported through a "best blend" figure based on observer reports and Japanese figures, an estimate for 1982 suggests the two fleets in question may have taken as much as 195,000 mt of groundfish that was never reported. If it had been reported they would have had to pay

additional fees of almost 5 million dollars to the United States. A conservative estimate of the ex-vessel value for that amount of fish (sablefish, Pacific cod, turbot, etc.) exceeds 32 million dollars.^{1/}

The Council heard the NMFS report on Tuesday, the first day of their meeting, and late Thursday were asked for advice from the U.S. State Department on how the last allocation to Japan for a directed fishery for 1984 should be handled. Foreign allocations are dispersed in four portions: at the first of the year, in April, in June and in August. The last, in August, is the smallest, but Japan had been earmarked for 150,000 tons in the release which was pending in the State Department. The State Department had recommended a 20% cut in that allocation because of the violations described but were holding release until they received a Council recommendation.

On Friday morning the Council placed the subject on the agenda as its first item of business and after discussion Council member John Winther made the following motion:

"We have heard that Japanese fisheries associations which we have trusted and worked with for years have been engaged in a scheme to under-report their catches. They have confused and frustrated the U.S. observer and enforcement programs and in doing so have greatly increased their catches and profits.

Based on that information I move that the North Pacific Fishery Management Council recommend that the Department of State not allocate any more fish to Japan to catch off Alaska.

The two Japanese fisheries associations implicated in this conspiracy to steal fish say they can explain the documents found aboard their ships last year. I am willing to re-assess my motion once that explanation is brought before the Council."

The motion passed unanimously. Council members expressed concern about Japanese behavior for many reasons. They pointed out that the violations eroded our confidence in the data base for all groundfish fisheries, since they are derived in large part from observer reports and foreign catch figures, that they did not feel the Japanese had been living up to the agreements they had made for reciprocal trade in fisheries, that their trade barriers still existed, and that their commitment to direct purchases from American processors and in joint ventures had not been fulfilled as they had agreed at industry-to-industry meetings over the past year.

The State Department has not made a decision on the release to Japan as of October 3.

Senators Stevens and Murkowski and Congressman Young have all expressed their support to the Department of State for the Council's recommendation as have Senators Gorton and Packwood of Washington and Oregon.

^{1/} Figures derived by Council staff from NMFS data.