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Official Business

Alaska State Legislature

House of Representatives

Special Committee on Fisheries,

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FOREIGN SQUID AND BILL-FISH DRIFTNET FISHERIES

The impact of Japanese drift nets in the directed salmon fishery has been brought to the attention of legislators and the general public. The potential impact of high seas driftnets that ostensibly target on other fisheries has received less attention, but is of equal or potentially greater detriment.

In addition to the directed salmon fishery, Japan has a 600 vessel fleet that targets on bill-fish such as marlin and swordfish. Japan, Taiwan and Korea all conduct driftnet fisheries for squid. According to a report by Robert Eisnebud of the U.S. Senate Committee on Commerce, Science and Transportation, "There are approximately 1,693 pelagic driftnet vessels fishing in the North Pacific setting at least 20,503 miles of net each day during the fishing seasons for a total of at least 1,065,510 miles each year." The mesh size for these squid nets (about 3.7 inches) is exactly the size that would be used for targeting the immature salmon of the high seas.

This summer the National Marine Fisheries Service impounded 230 tons of juvenile salmon in a Tacoma warehouse. At first it seemed that this Taiwanese salmon had stopped in the U.S. just for "laundering," so it could be transported to Japan in violation of Japanese restrictions. A closer investigation however indicates that the salmon may have been caught in U.S. fishing areas by Taiwanese vessels. First, the Taiwanese don't have a salmon fleet, also the Taiwanese squid fleet was not observed fishing in their usual area this summer, and finally scale analysis seems to indicate that the salmon come from waters of the North Pacific near North America.

In addition to the damage to our fisheries resources, these nets are extremely destructive to marine mammals and sea bird populations.

It is increasingly apparent that we need some way to police the foreign fisheries that have the potential of impacting our domestic fisheries. The State Department should have taken responsibility for resolving this problem, but has failed to do so. The driftnet bill sponsored by Senator Stevens is a Congressional means of mandating the adequate monitoring of these fisheries.



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Special Committee on Fisheries

February 11, 1987

TO: Representative Hoffman

FROM: Lee Goodman

SUBJECT: Update on the Japanese Drift-net situation.

A lot has happened since the INPFC agreement last April. While that agreement was much less than the Alaskan interests had hoped, it has had several positive effects. Among these, while the treaty only moved the line of the land-based fleet one degree west, it did result in Coast Guard patrolling of that line. Consequently, the opportunity for foreign vessels fishing well east of the agreed upon line is less. There are also improved attempts to provide more comprehensive observer coverage of the mother ship fishery. As you know, there is now only observer coverage on vessels that fish within our EEZ. Even with this minimal coverage, the U.S. suspects that with one observer and two delivery stations per boat, various methods are used for misrepresenting the catch. NMFS suspects that there was cheating on the sockeye catch.

The most promising and exciting activity has been in Congress. Senator Stevens filed a bill last year that would have imposed strict observer requirements on high seas driftnet vessels in waters outside the EEZ (Attached is a short article I wrote on this bill). The bill also provides a sea-bird protection zone around the Aleutian Islands, and a reward (bounty) to be paid for the retrieval of lost nets. The bill did not pass last session in Congress, but it has been reintroduced by Stevens and Young, and we are optimistic about its chances for passing.

Another opportunity for curtailing the driftnet catch lies with an administrative law judge in Seattle. In catching salmon within our waters, the Japanese necessarily take an incidental harvest of marine mammals. NOAA has to give a permit for this harvest of marine mammals. If it can be shown that the mammals harvested in the driftnets are not at their optimum population, the Judge may recommend that the NOAA administrator refuse to award the permit. The marine mammal species in question here are the fur seal, the sealion, and the dahl's porpoise.

After the Judge's decision, there will follow a period during which the public may either refute or support his recommendation. It is unclear if the Administrator can give a permit for one or two of the marine mammal species

if it can be shown that one of the species is below optimum population. Apparently we may expect a decision from the judge sometime in early March.

It should be remembered that this permit only applies to fishing within the EEZ. The Japanese are already committed to a three year phase out of fishing in the doughnut (international waters) of the Bering Sea. Apparently the Japanese have threatened to reverse this phase out if they do not get the permit to fish in domestic waters, but this threat does not seem very solid.

Fishermen Praise Stevens Driftnet Bill

A bill introduced in the U.S. Senate by Ted Stevens would make it possible to assess the damage done to our fisheries and other marine resources by foreign high seas driftnet vessels. In introducing Senate bill 2611, Stevens called these foreign driftnets, "A devastating curtain of death for all living marine resources."

Demming Cowles, lobbyist for United Fishermen of Alaska said of Stevens' Bill, "It is the first positive step taken in Congress since the debacle of the [INPFC] agreement with the Japanese. It is the first effort to rectify what [the U.S. State Department] was unwilling to do."

The foreign driftnet fisheries have recently attracted attention for the number of sea birds, marine mammals and 'non-target' fish they entrap. In addition, "The Japanese mothership and land based salmon fleets also harvest 8 million salmon of North American origin each year" Stevens said.

About 640 miles of these gillnets are lost each year, and left to drift around the ocean indiscriminately catching fish, birds and marine mammals. A report by Robert Eisenbud (Counsel for Oceans Policy to the Committee on Commerce, Science and Technology) states that "over 50,000 northern fur seals also become entangled and die each year in lost and discarded nets and debris," and that this mortality "suspected as the chief cause of the continuing decline of the fur seal population."

Senate Bill 2611 would require that U.S. observers be on all foreign fishing vessels in U.S. waters, and on Japanese salmon vessels fishing in accordance with the INPFC agreement. Foreign vessels which are considered unsafe for carrying an observer would be denied fishing permits. Observers would document the number of mammals, birds, and nontarget species taken by the driftnets.

For vessels fishing outside U.S. jurisdiction, the bill includes a provision to encourage cooperation with the observer program. "The bill states that no permits to fish within U.S. waters will be given to a vessel of any government that has not entered into such an agreement," says Mary Munson of the Committee on Commerce, Science and Technology. "It forces them to come up with monitoring even though they are outside 200 miles" Munson said. "If they won't cooperate in international waters, they can't fish in our waters."

The Bill also requires the Department of Commerce to report on the impact of the high seas driftnet fisheries, and to supply the Congress with recommendations for solutions. The bill includes a provision that a study will be made into the practicality of making biodegradable gillnets. If the nets were biodegradable, once lost they would eventually break apart.

Lost nets, referred to as 'ghost nets' continue to fish effectively and are considered to be an un-

controlled and severe hazard to marine mammals, fish and sea birds. "Examination of one such abandoned salmon driftnet revealed ninety nine dead seabirds and more than 200 salmon entangled in just a portion of the net" according to Eisenbud's report. Stevens' Bill requires that a bounty system be established to pay vessel operators who retrieve these ghost nets.

To reduce the tremendous number of seabirds that are caught by high seas driftnets, the Bill establishes a "Seabird Protection Zone." High seas driftnets, will be prohibited around

the Aleutian Islands from the shore out to a distance of sixty miles.

Fishermen's groups and environmental groups are praising Senate Bill 2611 as a major step towards assessing and reducing the damage caused by high seas driftnets. "The net bounty system and the sea bird protection zone will immediately reduce much of the damage these nets are doing. The observer program will provide the information to prove what horrible damage the nets are capable of. Stevens is to be congratulated heartily" Cowles said.

*From the Bering Sea Fisherman
August, 1986*

*S-2611 refiled as
S-62*

1 seabirds, and other living marine resources in the
2 Pacific Ocean (including the Bering Sea) off the coasts
3 of the United States;

4 (2) there is a pressing need for detailed and reli-
5 able information on the number of fish, marine mam-
6 mals, seabirds, and other living marine creatures that
7 become entangled and die in actively fished driftnets
8 and in netting that is lost, abandoned, or discarded;
9 and

10 (3) increased efforts are necessary to monitor,
11 assess, and reduce the adverse impacts of driftnets.

12 DEFINITIONS

13 SEC. 3. As used in this Act, unless the context other-
14 wise requires, the term—

15 (1) "driftnet" or "drift gillnet" means a gillnet
16 composed of a panel of plastic webbing one and one-
17 half miles or more in length that is placed in the water
18 and allowed to drift with winds and currents for the
19 purpose of entangling fish in the webbing in the course
20 of commercial fishing operations,

21 (2) "living marine resources of the United States"
22 includes—

23 (A) anadromous species, as defined in section
24 3(1) of the Magnuson Fishery Conservation and
25 Management Act (16 U.S.C. 1802(1)); and

1 (B) species of marine mammals, seabirds, and
2 marine turtles which breed within, or are other-
3 wise dependent upon, areas subject to the jurisdic-
4 tion of the United States, including its territorial
5 waters and its exclusive economic zone; and

6 (3) "Secretary" means the Secretary of Com-
7 merce, or the Secretary's designee.

8 MONITORING

9 SEC. 4. (a) Section 201(i) of the Magnuson Fishery
10 Conservation and Management Act (16 U.S.C. 1821(i)) is
11 amended—

12 (1) in paragraph (1)(A), by striking "(2)," and
13 inserting in lieu thereof "(2) and (3).";

14 (2) in paragraph (2)(A), by inserting immediately
15 after "vessels" the following: ", other than vessels
16 harvesting anadromous species under the International
17 Convention for the High Seas Fisheries of the North
18 Pacific Ocean, and the North Pacific Fisheries Act of
19 1954 (16 U.S.C. 1021 et seq.).";

20 (3) by inserting immediately after paragraph (2)
21 the following:

22 "(3) The requirement in paragraph (1) that a United
23 States observer be placed aboard each foreign fishing vessel
24 may be waived by the Secretary with respect to foreign fish-
25 ing vessels harvesting anadromous species under the Interna-
26 tional Convention for the High Seas Fisheries of the North

1 Pacific Ocean, and the North Pacific Fisheries Act of 1954
2 (16 U.S.C. 1021 et seq.) if the Secretary stations—

3 “(A) at least two research observers aboard each
4 fish processing vessel serving such harvesting vessels;
5 and

6 “(B) a sufficient number of research observers
7 aboard such harvesting vessels to ensure that an ade-
8 quate sample is obtained to estimate, with 95 percent
9 confidence, the number of fish, marine mammals, sea-
10 birds and other living marine resources harvested or
11 killed and discarded or lost by such vessels.

12 The costs of providing such research observers shall be
13 included in the surcharge imposed under section 201(i)(4).”;
14 and

15 (4) by redesignating paragraphs (3) through (6) as
16 paragraphs (4) through (7), respectively.

17 (b) Section 204(b)(6) of the Magnuson Fishery Conser-
18 vation and Management Act (16 U.S.C. 1824(b)(6)) is
19 amended by adding at the end thereof the following:

20 “(C) The Secretary shall not approve any
21 permit for a vessel aboard which the facilities for
22 quartering of any United States observer required
23 by section 201(i) or for carrying out the functions
24 of such observer are determined by the Secretary

1 to be so inadequate that the health, safety, or
2 welfare of such observer cannot be assured.”.

3 (c) The Secretary shall—

4 (1) immediately initiate, through the Secretary of
5 State, negotiations with each foreign government that
6 conducts, or authorizes its nationals to conduct, driftnet
7 fisheries that result in the taking of living marine
8 resources of the United States in waters off the coasts
9 of the United States, for the purpose of arranging for
10 reliable cooperative monitoring and assessment, with
11 95 percent confidence, of the numbers of fish, marine
12 mammals, seabirds, and other living marine creatures
13 killed and retrieved, discarded, or lost by the govern-
14 ment's driftnet fishing vessels in waters beyond the
15 jurisdiction of the United States;

16 (2) not issue any permit under section 204(b) of
17 the Magnuson Fishery Conservation and Management
18 Act (16 U.S.C. 1824(b)) for fishing, other than to re-
19 ceive at sea or transport United States harvested fish
20 from vessels of the United States, to any vessel of any
21 foreign government that fails, within one year after the
22 date of enactment of this Act, to enter into an arrange-
23 ment under paragraph (1) that is determined to be ade-
24 quate by the Secretary after consultation with the Sec-
25 retary of State, except that the Secretary may deny

1 any such permit to receive at sea or transport United
2 States harvested fish for any vessel of any foreign gov-
3 ernment that fails, within two years after the date of
4 enactment of this Act, to enter into such an arrange-
5 ment; and

6 (3) provide to the Congress by not later than one
7 year after the date of enactment of this Act a full
8 report on the results of the Secretary's efforts under
9 this section.

10 IMPACT REPORT

11 SEC. 5. The Secretary shall provide to the Congress,
12 within one year after the date of enactment of this Act, and
13 every twelve months thereafter, a report identifying the
14 nature, extent, and impact upon living marine resources of all
15 driftnet fisheries in waters off the coasts of the United States,
16 both within and beyond the exclusive economic zone of the
17 United States (as defined in section 3(6) of the Magnuson
18 Fishery Conservation and Management Act (16 U.S.C.
19 1802(6)). The report shall include the best available informa-
20 tion on the number and flag state of vessels involved, the
21 areas fished, the length, width, and mesh size of driftnets
22 used, the target species, and the number of fish, marine mam-
23 mals, seabirds, and other living marine creatures killed by
24 such fishery, as well as any other information the Secretary
25 considers appropriate. The Secretary, through the Secretary
26 of State shall request such information for inclusion in such

1 report from the relevant foreign governments and shall in-
2 clude in such report an evaluation of the adequacy and reli-
3 ability of the data and estimates received from such govern-
4 ments or other sources.

5 ENFORCEMENT AND FOREIGN FISHING PERMIT FEES

6 SEC. 6. Section 204(b)(10) of the Magnuson Fishery
7 Conservation and Management Act (16 U.S.C. 1824(b)(10))
8 is amended by adding at the end thereof the following:

9 “(G) The Secretary shall include in the de-
10 termination of the total costs of carrying out the
11 provisions of this Act the costs of an effective en-
12 forcement program for the exercise of exclusive
13 management authority and, in particular, to
14 ensure the conservation and management of all
15 anadromous species throughout their migratory
16 range, consistent with section 101 of this Act.
17 The Secretary shall consult at least annually with
18 the Secretary of the department in which the
19 Coast Guard is operating to determine the costs
20 of an optimally effective enforcement program so
21 that it can be reflected in and fully recovered
22 through the schedule of fees established pursuant
23 to subparagraph (A).”.

24 NET BOUNTY SYSTEM

25 SEC. 7. The Secretary shall promulgate regulations to
26 implement a net bounty system to pay persons who retrieve

1 from the marine waters of the United States and deposit with
2 the Secretary, or the Secretary's designee, lost, abandoned,
3 or discarded driftnet or other plastic fishing net material. The
4 Secretary shall make such payments for this purpose as the
5 Secretary determines to be appropriate from the Fishing
6 Vessel and Gear Damage Compensation Fund established
7 under section 10 of the Fishermen's Protective Act of 1967
8 (22 U.S.C. 1980) to the extent and in such amounts as are
9 provided in advance in appropriation Acts.

10 NET MARKING, REGISTRY, AND IDENTIFICATION SYSTEM

11 SEC. 8. (a) The Secretary shall, in consultation with
12 officials of other Federal agencies and such other persons as
13 may be appropriate, evaluate the feasibility of and develop
14 recommendations for: (1) the establishment of a driftnet
15 marking, registry, and identification system to provide a reli-
16 able mechanism for the determination of the origin by vessel,
17 if possible, of lost, discarded, or abandoned driftnets and frag-
18 ments of driftnets; (2) the establishment of a cooperative
19 driftnet fishing vessel tracking system making use of tran-
20 sponders aboard such vessels and satellites or other equip-
21 ment and techniques to facilitate cooperative efforts to moni-
22 tor the location of driftnet fishing vessels; and (3) the use of
23 biodegradable or other materials in a portion or all of the
24 driftnet that would accelerate the decomposition of driftnets
25 left to float at sea and thereby reduce the hazards such drift-
26 nets pose to living marine resources.

1 (b) The Secretary shall provide to the Congress, not
2 later than six months after the date of enactment of this Act,
3 a report setting forth—

4 (1) the evaluations and recommendations devel-
5 oped under subsection (a) of this section;

6 (2) the most effective and appropriate means of
7 implementing such recommendations;

8 (3) the need, if any, for further research and de-
9 velopment efforts and the estimated cost and time re-
10 quired for completion of such efforts; and

11 (4) the need, if any, for legislation to provide au-
12 thority to carry out such recommendations.

13 SEABIRD PROTECTION ZONE

14 SEC. 9. (a) There is established a seabird protection
15 zone surrounding the Aleutian Islands off Alaska within
16 which no driftnet fishing is permitted. The inner boundary of
17 the zone is a line coterminous with the low water line on the
18 shore of each of the Aleutian Islands and the outer boundary
19 of the zone is a line drawn in such a manner that each point
20 on the line is no less than sixty miles from the inner boundary
21 line, except to the extent that such outer boundary would
22 extend beyond waters or territory subject to the jurisdiction
23 of the United States.

24 (b) The Secretary, in cooperation with the Secretary of
25 the department in which the Coast Guard is operating, shall
26 enforce the prohibition against driftnet fishing in the seabird

1 protection zone established under subsection (a) of this sec-
2 tion. Any such driftnet fishing within the zone shall consti-
3 tute, be treated as, and be deemed to be a prohibited act
4 under section 307 (16 U.S.C. 1857) and subject to sections
5 307 through 311 of the Magnuson Fishery conservation and
6 Management Act (16 U.S.C. 1857-1861) relating to enforce-
7 ment and penalties for such prohibited acts.

8 (c) The Secretary, after consultation with the Secretar-
9 ies of State and the Interior, may modify by regulation the
10 inner and outer boundaries of the seabird protection zone es-
11 tablished under subsection (a) of this section if the Secretary
12 determines, after notice and an opportunity for comment, that
13 such modification will provide an equal or greater degree of
14 protection for seabirds. The Secretary shall not modify the
15 outer boundary of the seabird protection zone to extend
16 beyond waters or territories subject to the jurisdiction of the
17 United States.

18 CONSTRUCTION WITH OTHER LAWS

19 SEC. 10. Nothing in this Act shall serve to be construed
20 to expand or diminish the sovereign rights of the United
21 States, as stated by Proclamation Numbered 5030, dated
22 March 10, 1983, and reflected in existing law on the date of
23 enactment of this Act.

