

SJR

44

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 21, 1989

FURTHER REFERRALS: RESOURCES

Date of Committee Action: 5/1/89

The JUDICIARY Committee considered:

SJR 44

SENATE JOINT RESOLUTION NO. 44

[TAIWAN INTERCEPTION OF ALASKA SALMON]

Relating to economic sanctions against Taiwan for high seas interception of Alaska salmon and steelhead.

RECOMMENDATIONS:

- [] be replaced with _____ [] the same title
[] have attached amendment(s) [] a new title
[] do pass
[] do not pass
[] no recommendation
[] individual recommendations
[] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- [] fiscal impact _____
[] zero fiscal note _____
[] zero with analysis _____

- [] fiscal note(s) _____
[] zero fiscal note(s) 4/17/89 - Senate Resources Committee
[] zero fn/analysis _____

SIGNING DO PASS:

Peter J. ...

Mr. ...

... Ellers

... Davison

Terry ...

Mike ...

Mike ...

SIGNING:

(Check approp. column)

	Do Not Pass	No Rec	Amend

Mr. ... *Peter J. ...*
Chairman's Signature

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE 4/13/89
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER

**FISCAL NOTE(S) MUST BE ATTACHED
IN ACCORDANCE WITH AS 24.08.035

4/11/89

DATE TURNED INTO OFFICE 4/17/89

Mr. President:

RESOURCES

Committee considered SJR 44

economic sanctions against Taiwan for high seas interception of Alaska salmon and steelhead

and recommended:

[] replace with CS _____ [] same title
[] attached amendment(s) and [] new title

[] _____ letter of intent adopted

[✓] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

FISCAL NOTE(S) attached Senate Resources Committee [✓] zero [] fiscal impact
[] appropriation no FN attached [] Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

Reik Halgord
McElroy
Kathleen
Julius J. S. ...
...
...

OTHER RECOMMENDATIONS

Dwayne Johnson Delos
Chair signature and recommendation

[] Committee backup attached

ALASKA STATE LEGISLATURE

While in Ketchikan
352 Front Street
Ketchikan, AK 99901
907-225-9675



While in Juneau
P.O. Box V
Juneau, AK 99811
907-465-3743

Senator Lloyd Jones

MEMORANDUM

TO: Representative Peter Goll, Co-Chair
Representative Max Gruenberg, Co-Chair
House Judiciary Committee

FROM: Senator Lloyd Jones *LJ*

DATE: May 1, 1989

SUBJECT: SJR 44

Thank you for hearing Senate Joint Resolution 44, which asks the President of the United States to invoke the full extent of Pelly amendment sanctions against the country of Taiwan.

Pelly amendment sanctions will restrict the importation of fish and aquatic products from Taiwan into the United States. This is currently estimated at approximately \$445,000,000 annually. This type of direct economic pressure is necessary at this time to force Taiwan into a negotiating position with the U.S. No agreement regarding high seas salmon fishing by the Taiwanese currently exists. Because of a lack of substantive measures again against Taiwan, little incentive for the Taiwanese to enter such an agreement exists.

Both the Washington State legislature and the Washington State Congressional delegation have introduced similar resolutions. In addition, this resolution is supported by SEACOPS, Southeast Seiner's Association, United Fishermen of Alaska, and the Alaska Troller's Association.

I urge you to vote favorably on this resolution.

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: SJR 44
PUBLISH DATE: 4/17/89

FISCAL NOTE

REQUEST: _____

REVISION DATE: _____
TITLE: Taiwan Interception of Alaska
Salmon
SPONSOR: Senator Jones
REQUESTOR: _____

AGENCY: _____
BRU: _____

COMPONENTS: _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
OPERATING						
PERS. SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND/BUILD.						
GRANTS/CLAIMS						
MISCELLANEOUS						
TOTAL	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (THOUSANDS OF DOLLARS)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS:

SJR 44 requests that the Pelly Amendment provision, which would prohibit importation of Taiwanese fish and aquatic products, be strictly adhered to and immediately invoked. SJR 44 has no state fiscal impact.

PREPARED BY: Nancy Petersen, Staff, Senate Resources Committee

DATE: 4-17-89
PHONE NO.: 465-3872

April 11, 1989

SENATE JOURNAL

p. 1179

SJR 44

SENATE JOINT RESOLUTION NO. 44 by Senators Jones, Binkley, Eliason, Coghill, Fischer, Zharoff, Sturgulewski and Kelly,

Relating to economic sanctions against Taiwan for high seas interception of Alaska salmon and steelhead.

was read the first time and referred to the Resources Committee.

April 18, 1989

SENATE JOURNAL

p. 1287

SJR 44

The Resources Committee considered SENATE JOINT RESOLUTION NO. 44 (Relating to economic sanctions against Taiwan for high seas interception of Alaska salmon and steelhead) and recommended do pass. The report was signed by Senator Fahrenkamp, Chair, and concurred in by Senators Halford, Eliason, Kerttula, Sturgulewski, Zharoff and Frank.

Zero fiscal note published today from Senate Resources Committee.

SENATE JOINT RESOLUTION NO. 44 was referred to the Rules Committee.



SEACOPS

700 Water Street—Upper
Ketchikan, Alaska 99901
Telephone (907) 225-9004

SEACOPS News Release - January 6, 1989

SEACOPS and Sitka-SEACOPS have released a stinging report on Taiwan's high seas driftnet fishery. SEACOPS is the Ketchikan-based coalition of sport and commercial fishermen opposed to high seas interception of North American salmon and steelhead.

According to the SEACOPS report, in 1977 Taiwan's high seas squid fishery consisted of only six squid jigging vessels. These fishermen caught squid by the traditional method of hook and line jigging. The squid jigging fleet expanded slowly over the next few years but by 1980 the vessels were being displaced by the more profitable driftnet operations.

By 1987 there were 94 Taiwanese high seas driftnet vessels. In 1988 the number jumped to 163. Most of the boats are 150 to 200 feet long but some of the newest are more than 300 feet in length. Additional vessels for the fishery are currently under construction. Each vessel on average fishes 25-35 miles of monofilament nylon net per day for six or more months. Because monofilament net is "practically invisible," its use is outlawed in almost all United States and Canadian waters.

The Taiwanese reported a 1987 high seas driftnet catch of 18,578 tons of squid. Bycatch for 1987 included: 2,566 tons of tuna, 467 tons of billfish (sailfish, swordfish, marlin), 226 tons of bonito and 46 miscellaneous tons. Pat Wood, chairman of Sitka-SEACOPS, states that this official Taiwanese squid catch data reflects the amount of fishing effort dedicated to high seas salmon piracy.

According to Wood, "During the 1987 season, the Taiwanese fishermen caught approximately 200 tons of squid per boat. At the same time the Japanese fishermen averaged over 435 tons of squid per boat - the Japanese catch rate was twice that of the Taiwanese. What in the hell were the Taiwanese doing while they claimed to be fishing for squid? Whatever they were fishing for was so profitable that they added 70 more boats to their fleet in 1988!"

Wood adds, "It's not coincidence that the flood of immature salmon entering the world's markets the last two years has occurred during the expansion of Taiwanese driftnet efforts on the high seas." Wood also announced that SEACOPS' largest chapter, Sitka-SEACOPS, has increased its membership to over 100.

SEACOPS Chairman Mike Holman plans to share the new information with SEACOPS members in Vancouver, B.C. later this month. "SEACOPS is gearing up for a Spring offensive in both Ottawa and Washington," he said. "The health of our salmon and steelhead resources cannot wait for the normal political processes to take their course."

Holman stated, "We are strongly urging that our members continue to write and phone their representatives in Congress and the Canadian Parliament to express their outrage. Over 370 strong with Chapters in 15 communities, the rapid growth of SEACOPS is attributable to the frustration of having spent 20 years rebuilding our salmon stocks only to have them stolen from us by a completely unregulated Asian fishery

REPORT
of the November 1988
U.S.-Taiwan
Bilateral Meeting
on
Assessment of North Pacific
Fisheries Resources

November 5-7, 1988

Held at
Institute of Oceanography
National Taiwan University
Taipei, Taiwan

Report of the November 1988 U.S.-Taiwan Bilateral Meeting
on Assessment of North Pacific Fisheries Resources

November 5-7, 1988
Taipei, Taiwan

INTRODUCTION

Bilateral meetings between U.S. and Taiwanese scientists to discuss research on fishery resources in the North Pacific have taken place periodically since 1977. These meetings were called for by the Governing International Fishery Agreements (GIFAs) between the two countries or by mutual arrangements. They provide an essential forum to coordinate research and exchange views and data on fishery resources that are of mutual concern in the North Pacific.

This scientific meeting was organized to discuss research, observer coverage, and status of knowledge on squid-salmon-ocean temperature interactions in the central North Pacific ocean. The meeting was held at the Institute of Oceanography, National Taiwan University in Taipei.

LIST OF PARTICIPANTS

The following individuals participated in the meetings chaired by Dr. Yeh Shean-Ya:

Taiwan Participants

Dr. Yeh Shean-Ya	Head, Marine Biology and Fisheries Division, Institute of Oceanography National Taiwan University
Mr. Tung Ih-Hsiu	Senior Specialist Institute of Fishery Biology National Taiwan University
Dr. Kuo Chin-Lau	Director, Department of Fishery Biology Taiwan Fisheries Research Institute
Mr. Liao Shyue-Geng	Director, Department of Marine Fisheries Taiwan Fisheries Research Institute
Mr. Chen Tsai-Fa	Chief, Marine Fisheries Division, Department of Fisheries Council of Agriculture
Mr. Kwoh Chung-Hai	Senior Specialist Department of Fisheries Council of Agriculture

U.S. Participants

Dr. William Aron	Science and Research Director, Alaska Region, NOAA Fisheries, Seattle, Washington
Dr. Richard Marasco	Director, Resource Ecology and Fisheries Management Division (REFM), NOAA Fisheries, Seattle
Dr. Loh-Lee Low	Deputy Director, REFM Division, NOAA Fisheries, Seattle
Mr. Steve Ignell	Mathematical Statistician, Auke Bay Laboratory, NOAA Fisheries, Juneau, Alaska
Dr. Douglas Eggers	Chief Fisheries Scientist, Alaska Department of Fish and Game (ADF&G), Juneau, Alaska
Mr. David Benton	Special Assistant to the Commissioner, ADF&G, Juneau, Alaska

Agenda

Saturday Nov. 5	AM	Introductions Review status of high-seas driftnet fisheries Discuss squid-salmon-ocean temperature interactions
Monday Nov. 7	AM	Discuss results of R/V <u>Hai Kung</u> cruises Plan cooperative squid research cruise Discuss observer coverage for scientific sampling of high-seas driftnet fisheries
	PM	Review and complete bilateral report

DOCUMENTS

Documents exchanged for discussions at the meeting were:

Documents Submitted by Taiwan

1. Summary of 1987 Taiwanese squid driftnet fisheries in the North Pacific Ocean.

2. Cruise report of R/V Hai Kung, HK-1987: Squid survey of the North Pacific Ocean
3. Cruise report of R/V Hai Kung, HK-1988: Squid survey of the North Pacific Ocean

Documents Submitted By the U. S.

1. Summaries of provisional foreign and joint venture groundfish catches in the Northeast Pacific Ocean and Bering Sea, 1987.
2. Condition of groundfish resources of the eastern Bering Sea and Aleutian Islands Region in 1988.
3. Condition of groundfish resources of the Gulf of Alaska region as assessed in 1988.
4. Distribution and incidental take of marine mammals in the area of the high seas squid driftnet fishery.

NATURE OF TAIWANESE SQUID FISHERY

In 1977 Taiwan had 6 squid vessels that operated in international waters in the North Pacific. In 1980, due to a world oil crisis, gillnetters soon began to replace jigging vessels to harvest squid on account of their lower energy consumption. The number of vessels increased to 153 peak in 1984, then decreased gradually to 97 in 1987, but increased dramatically to 166 in 1988 as shown below:

Vessel Type	1983	1984	1985	1986	1987	1988
Jig	6	5	-	-	3	1
Jig & Gillnet Combination	28	2	-	-	-	-
Gillnet	101	146	124	110	87	163
Gillnet & Dipnet Combination	-	-	-	4	7	1
Gillnet & Longline Combination	-	-	-	-	-	1
TOTAL	135	153	124	114	97	166

The large increase in vessels from 1987 to 1988 was due to conversion of tuna longline vessels into large-mesh gillnet operations. The vessels, however, may also carry smaller size mesh gillnets to fish squid as well. The longline to gillnet conversion was stimulated by a lack of manpower to staff longline vessels. In recent years (1986-87), a new type of combination vessel, the saury dipnet-squid gillnet vessel was also introduced. The smallest vessels are generally 100-200 GRT. Most of the vessels are in the 200-300 GRT or 300-400 GRT class. Larger vessels (above 400 GRT) were introduced mostly in 1984.

The latest introduction was 700-plus GRT vessels in 1986-87.

Each skate (tan) of gillnet gear used is 500 mesh in width and 100 mesh in height. The number of skates vary according to size of vessels and preference of fishermen. A squid fishing vessel generally carries 1.5 to 2 times (300 to 500 skates) the amount of gear fished per day, the extra to be used as spares.

Mesh sizes vary from 80 to 220 mm. Number of vessels using various mesh sizes were as follows:

Mesh Size (mm)	1983	1984	1985	1986	1987
80 - 120	96	144	120	104	84
120 - 160	5	2	4	4	0
196 - 220	0	0	0	2	3
TOTAL	101	146	124	110	87

The smallest mesh size categories target on squid. Larger mesh size gear target on albacore and marlin.

Four major squid species are encountered by the fishery. The dominant catches are flying squid (Ommastrephes bartramii). The other three species are Onychoteuthis borealijaponica, Moroteuthis robusta, and Gonatopsis borealis.

Total catch of squid by Taiwan in the North Pacific were:

1983	14,258 t
1984	27,554 t
1985	21,807 t
1986	13,887 t
1987	18,578 t

Peak catches in 1987 were taken in August and September, somewhat later than in earlier years. Prior to 1987, two-thirds of the annual catch came from the area between 40 degrees N and 44 degrees N latitude, west of 170 degrees E longitude. The total catch and percentage contribution in this area have decreased dramatically since 1986 when current squid regulations were implemented. Since access to the traditional fishing ground (north of 39 degrees N latitude and west of 170 degrees E longitude) was prohibited by regulation, there were diversified changes to the mesh sizes, number of nets deployed, fishing methods, and grounds fished. In 1987, the catch between 165 degrees W and 175 degrees W longitude increased substantially from earlier years as the fleet shifted more of the operations eastwards.

Squid catches were classified and packed in three categories: large (20 pieces or less per case, 500 gm average weight), medium (21-35 pieces per case, 285-500 gm average weight), and small (more than 36 pieces per case, less than 285 gm average weight). Most of the catch (92 percent or more) were large squid.

Catch of other marine resources from the Taiwanese driftnet fleet in 1987 were:

Tunas	2,566 t
Billfishes	467 t
Sonitos	226 t
Others	46 t

SQUID-SALMON-SEA SURFACE TEMPERATURE RELATIONSHIPS

The Taiwanese side reported on the results of the 1988 squid research cruise by the R/V Hai Kung. The vessel sampled 96 CTD stations and set gillnet operations at 30 stations. Salmon were caught at only 4 stations. All were chum salmon. These salmon were caught at stations where sea surface temperatures (SSTs) were less than 12 degrees C. In 1986, some salmon were caught at a station where SST was 14.6 degrees C.

Summarizing the results of 3 years of surveys, the Taiwanese side noted that salmon were seldom encountered at SST above 13 degrees C. Therefore, the Taiwanese side commented that the 13 degree C isotherm is a better guideline for delineating the squid fishery area than the long-term 15 degree C isotherm used by Japan to delineate its squid regulatory area. The Taiwanese side stated, based on the results of 3 years of research cruises by the Hai Kung, that it would be reasonable for its domestic fishery agency to adopt the management regime currently enforced in the squid fishery area east of 170 degrees E longitude for the area west of this longitude.

The U.S. side noted that management guidelines similar to those used by the Japanese squid driftnet fishery offer variable protection for salmon harvest in the northern portion (northernmost 1/2 degree latitude) of the fishing region. The U.S. suggested that the geographical differences in salmonid incidences were probably related to geographical differences in water mass structure. Finer scale sampling will be necessary to determine oceanographic factors responsible for species distribution in the NPTZ. Any management regime established for high-seas squid driftnet fisheries should be provisional due to limited knowledge regarding the dynamics of marine species, particularly marine mammals and seabirds, which are impacted by these fisheries.

COOPERATIVE SQUID CRUISE IN 1988

The U.S. side expressed satisfaction in the results of the cooperative research cruise on flying squid conducted by the Taiwanese R/V Hai Kung in 1988. In addition, the U.S. commended the Taiwanese side for the excellence of the cooperative research since its inception in 1986. These cruises have provided an important contribution to the growing knowledge on marine resources in this region. In particular, the Taiwanese cruise data, when combined with other available research data, provides key insight into factors affecting the spatial dynamics of pelagic species in the North Pacific Ocean.

The U.S. side expressed a strong interest in continuing cooperative research studies on the flying squid resource in the North Pacific Ocean. The NOAA Fisheries Honolulu Laboratory is planning to deploy the Townsend Cromwell for a pelagic resource survey of the North Pacific Transition Zone and the Subarctic Frontal Zone in 1989. Researchers from other countries will be invited to join the cruise. The cruise plan will be circulated in advance of the survey to maximize opportunities for coordination of other studies in the squid fishing area.

The U.S. indicated some of its research objectives for cooperative research in the North Pacific Transition Zone (NPTZ) as follows:

1. Obtain information on the high seas driftnet fisheries, including target and incidental catches, drop-out rates, fishing methods and the distribution of fishing effort over time and area.
2. Examine the association between large and small scale oceanographic features and the ecology and dynamics of marine resources in the NPTZ.
3. Examine trends in abundances of selected marine resources impacted by squid driftnet fisheries and probable causes of the trends.

The Taiwanese side indicated that the decision to participate in the Townsend Cromwell cruise will be made later.

SQUID OBSERVER PROGRAM

The U.S. side stressed the importance for making replicate observations from different squid vessels to develop statistical confidence in the data. They noted that the squid driftnet fishery in the central north Pacific ocean involves over 700 vessels from Japan, Taiwan and Korea. Because of the size of this fishery, information on the incidental harvest of non-target species is needed to determine impacts on the marine resources of the North Pacific. Reliable bycatch estimates are best achieved

through an observer program on commercial vessels.

Differences in the spatial and temporal distribution of marine resources in this region are poorly understood. The U.S. proposed a two stage approach for providing bycatch estimates. First, a pilot observer program would seek to provide information on how and where the fishery operates, data on bycatches, data on distribution and abundance, and factors affecting the variability of bycatch rates. A second stage would be considered based upon results from the pilot program.

Based upon the size of the 1987 Taiwanese squid driftnet fleet, the U.S. suggested a joint pilot program, consisting of four Taiwanese and four U.S. scientific observers be placed aboard eight Taiwanese commercial squid driftnet vessels in 1989. Two observers would be deployed during May and June, four observers during July and August (two of the four would be placed on vessels fishing east of 180 degrees longitude) and two observers during September and October. Observers would remain aboard the host vessels for approximately 30 days and be transported to and from port via cargo/supply vessels.

The U.S. noted that a U.S. scientific observer successfully completed an observer trip on a Korean commercial squid driftnet vessel this summer. Cargo vessels were used to transport the observer to and from the fishing grounds, suggesting that an observer program such as that proposed by the U.S. is feasible.

Since there is no governmental bilateral fisheries agreement or multi-lateral fisheries agreement concerning the Taiwanese squid fishery in the North Pacific, the Taiwanese side indicated that it is impossible for the Taiwanese fisheries administrative sector to implement the observer program suggested by the U.S. side. Further, the Taiwanese side indicated there are also considerable difficulties for implementing any at-sea sampling program on Taiwanese squid vessels. The reasons are as follow:

1. Taiwan does not have a salmon fishery. Therefore the fishermen have no particular obligation for collecting salmon data.

2. The Taiwanese squid fishermen are not permitted to fish in waters north of 39 degrees N latitude and west of 170 degrees E longitude (the traditional fishing ground), and therefore have to fish farther eastward where conditions are harsher. Therefore the fishermen find it harder to cooperate on data collection program.

3. As a result of U.S. requests, the Taiwanese Government has imposed difficult regulations on Taiwanese squid fishermen. Therefore, it is impractical to impose more difficulties, such as data collection responsibilities on the fishermen.

Due to the above three issues, the Taiwanese side indicated that the environment is not conducive to implement an at-sea sampling program. When condition improve, the matter may be discussed again.

OTHER RESEARCH ACTIVITIES

The U.S. thanked Taiwan for the additional information they provided during these talks on their commercial squid fishery and expressed an interest in furthering its understanding of this fishery. To facilitate this understanding, a listing of the type of information of primary interest to the U.S. was presented to Taiwan along with a request for any Taiwanese publications, reports or data that would be helpful in furthering this understanding.

The U.S. side also expressed an interest in collecting data on marine mammals and sea birds encountered in high seas squid driftnet fisheries. The types of data required from commercial squid vessels are (1) incidental catch of albacore, skipjack tuna, billfishes, sea turtles, marine mammals and sea-birds by species, (2) date and geographical position of vessel, (3) sea surface temperature at time of incidental catch, and (4) fishing effort. From research vessels, the U.S. would like to obtain additional data. These include collection of tissue samples for electrophoretic studies, and stomachs samples for food habits studies, biological measurements (such as sex and size), and biological samples (such as teeth and reproductive organs).

While the Taiwanese side understands the scientific interest of the U.S. in collecting information on marine mammals and sea birds, the scientists explained that it is very difficult to collect such information from their fishermen at present. They are willing to provide the information or samples if the data are available in the future. The Taiwanese side will help U.S. scientists collect the required data on board its research vessel if the cruise is conducted.

FUTURE BILATERAL MEETINGS

Both sides agreed that bilateral meetings between scientists have been useful in promoting better research coordination and understanding of fishery resources that are of mutual concern in the North Pacific. With this common view they agreed that regular bilateral meetings between the scientists would be useful. The U.S. side invited the Taiwanese side to the U.S. for next year's bilateral meeting.



Ann

ANDERSON

SENATOR 42ND DISTRICT

Majority Whip

APR 03 1989

March 20, 1989

Lloyd Jones
Alaska State Senate
P.O. Box V
Juneau, Alaska 99811

Dear Senator Jones: *Lloyd*

Thank you for keeping me informed about the Alaskan Senate resolution regarding illegal high seas interception of salmon. As you pointed out, this issue impacts all of the Western United States.

I am pleased to report that here in Washington State we have formulated our own Senate Joint Memorial No. 8001 which deals with this problem. I have enclosed a copy of this document for your review. Washington State does indeed have a substantial fishing industry which we are striving to preserve and manage responsibly.

Thank you for your assistance in this matter.

Sincerely,

Ann

Ann Anderson
Senator, 42nd District

AA:sdl

Enclosure

Committees: Agriculture, Vice Chair ■ Economic Development & Labor, Vice Chair ■ Education ■ Rules

Olympia:
205 Institutions Building
Olympia, WA 98504
(206) 786-7682

District Office:
2718 McLeod Road
Bellingham, WA 98225
(206) 647-1532

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8001

State of Washington 51st Legislature 1989 Regular Session

by Committee on Environment and Natural Resources (originally
sponsored by Senators Metcalf, Rasmussen, DeJarnatt, Sutherland,
Amondson and McMullen)

Read first time 1/24/89.

1 TO THE HONORABLE GEORGE BUSH, PRESIDENT OF THE UNITED STATES, AND
2 TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
3 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF
4 THE UNITED STATES, IN CONGRESS ASSEMBLED, AND TO THE UNITED STATES
5 SECRETARY OF STATE, THE UNITED STATES SECRETARY OF COMMERCE, AND THE
6 UNITED STATES SECRETARY OF DEFENSE:

7 We, your Memorialists, the Senate and House of Representatives of
8 the State of Washington, in legislative session assembled,
9 respectfully represent and petition as follows:

10 WHEREAS, The salmon and steelhead resource of the state of
11 Washington is important to the commercial fishing industry and to the
12 recreational fishing public; and

13 WHEREAS, Juvenile and adult salmon and steelhead feed in the open
14 areas of the Pacific Ocean before returning to their home rivers to
15 spawn; and

16 WHEREAS, Foreign high seas fisheries which ostensibly fish for
17 squid with gill nets are actually targeting on juvenile and adult
18 salmon and steelhead which originate in North American streams; and

19 WHEREAS, The foreign high seas fisheries are causing a
20 significant depletion of salmon and steelhead runs and are having a
21 serious economic and conservational impact on Washington state salmon

12 and steelhead resources; and

13 WHEREAS, The United States Coast Guard and the National Marine
14 Fisheries Service are empowered to enforce fishery regulations within
15 the fisheries conservation zone;

16 NOW, THEREFORE, Your Memorialists respectfully pray that:

17 (1) The Senate and House of Representatives of the United States,
18 in Congress assembled, instruct the secretary of state to pursue
19 vigorous sanctions upon foreign fishing nations who are harvesting
20 Washington state salmon and steelhead on the high seas and to take

Oriental nets concern federal fisheries officials

By Greg Johnston
Staff Reporter

The interception of Washington-origin salmon and steelhead by Taiwanese and Korean drift netters on the high seas is having a serious effect on sport fisheries here, says the top federal fisheries official for the Northwest.

"I see ending this interception as the single most important thing we can do now to benefit the sport fisheries," said Rolland Schmitt, regional chief of the National Marine Fisheries Service. "To bring about the resolution of this will give our fishing industry the largest relief we can provide right now."

Concern has grown recently over Taiwanese, Korean, and, to a lesser extent, Japanese squid fishermen who string miles of drift nets together in international waters of the Pacific Ocean. Not only do the nets catch squid, but also immature salmon and steelhead — mostly 2 to 4 pounds — from the U.S., Canada, Soviet Union and Japan. Birds and some marine mammals also get tangled in the nets.

Schmitt returned last week from several days of meetings in Washington D.C. with other U.S. and Soviet fisheries officials. He said one plan being discussed is the formation of a new international body of the major salmon-producing nations on the Pacific Rim — Japan, the Soviet Union, Canada and the U.S.

"With that body we could try to bring about regulatory measures and through the Law of the Sea be able to enforce them," he said. "We have many attorneys from both countries looking at the options, and that's one."

Schmitt said U.S. officials have documented that between 20 million and 30 million pounds of mostly salmon and some steelhead were taken last year by foreign fishermen on the high seas.

"And I personally believe that is a conservative figure," he said. "It's based on our undercover investigations, the industry's documentation of high seas sales, our enforcement actions where we seized fish and observations on the European market of this type of fish for sale."

At the meeting last week, Soviet officials reported that they seized an additional 10 million pounds last year, he said.

Outdoors

The proposal is aimed at reducing overcrowding on the top steelhead streams in B.C. and boosting its guiding industry. It specifically targets "non-Canadian anglers."

The plan would classify all B.C. steelhead streams, with the best being class 1. To fish a class 1 stream, non-Canadian anglers would have to pay \$150 for a license good for only seven days and good only on one stream. Non-Canadian anglers could only buy four such licenses per year.

Similar conditions would apply for class 2 streams, but the license would cost \$75.

Stan Young of Seattle, steelhead committee chairman for the Washington Chapter of the Federation of Fly Fishers, said the plan would make it difficult to fish such streams. Not only would it cost more, but if the stream the license was purchased for happened to be running high and unfishable, the license fee would be wasted.

"Any steelhead fisherman knows that often you go to the rivers and they're out, or the fish aren't there," he said. "You need to be able to jump around from river to river to find the fish and this completely takes that away."

He also said that the plan

could eventually turn the sport fisheries into commercial fisheries by turning them over to guides.

"In time, even the B.C. residents are going to lose those streams to the guides, like in other places in the world," he said.

However, Bob Hooton, regional biologist at Smithers for the Fisheries branch of the B.C. Ministry of Environment, said the province had no intention of turning over the streams to the guides.

While the plan is designed to boost the guiding industry, several streams have been designated as ones where guiding is not allowed. And Hooton said only a handful would be designated class 1.

Hooton said that if steps aren't taken now, the qualities that make certain rivers in B.C. special — uncrowded wilderness, wild steelhead — will be lost.

Hooton declined to specify which rivers might be designated class 1 or 2, but said the focus of the proposal is the Skeena watershed. The Skeena and its tributaries, like the Kispiox, Babine and Bulkley, are famed for trophy steelhead and have attracted Washington anglers since the end of World War II.

The Environment Ministry is taking public comments on the plan until Feb. 20. Write Ministry of Environment: Recreational Fisheries Branch, 750 Blanshard Street, Victoria, B.C. V8V1X5.

"BIG MONDAY"

BIG EAST
Syracuse vs Georgetown
4:30PM

BIG TEN
Ohio State vs Iowa
8:30PM

BIG WEST
Utah State vs Cal.-Santa Barbara
9:00PM

SOUTHEASTERN ALASKA
SEINE BOAT OWNERS & OPERATORS

P.O. BOX 9579
KETCHIKAN, ALASKA
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Senator Lloyd Jones

As we discussed on March 14th, I am sending a draft resolution calling for the Pelly Amendment against Taiwan. Both SEACOPS and Southeast Seiners are making the request of you to introduce and support this resolution.

Again, the reasons are that the hard, direct message to the biggest salmon interception culprit is lost in the overall High Seas Resolution. Please call Dave Benton, Special Assistant on International Fisheries (465-4100) for technical review of this resolution.

Please call if you have questions.

Sincerely
Kate Troll
Executive Director

FACT SHEET ON SALMON INTERCEPTION

Japanese Salmon Gillnet Fleet

Two salmon gillnet fleets operate in the Bering Sea and the North Pacific ocean. The mothership fleet, which in 1988 consisted of one mothership and 43 catcher vessels, fishes in the international waters of the Bering Sea (the "donut hole"), within the U.S. 200 mile Exclusive Economic Zone (EEZ) off the Aleutians, and just south of the EEZ in the North Pacific.

The landbased salmon fleet (approximately 157 vessels) fishes in the international waters of the North Pacific west of 175 degrees east longitude. Both fleets are subject to regulation by the International North Pacific Fisheries Convention (INPFC), consisting of the U.S., Canada, and Japan, and the Japanese/Soviet fisheries agreement. INPFC regulates seasons, areas, and effort; the Japanese/Soviet agreement regulates numbers of fish taken.

Japanese Squid Gillnet Fleet

The Japanese squid gillnet fleet operates in the international waters of the North Pacific from June to December in an area south of 46 degrees north latitude and west of 145 degrees west longitude. This fishery is also subject to INPFC jurisdiction, as well as Japanese domestic laws and regulations.

Republic of Korea Squid Gillnet Fleet

The Korean fleet operates in approximately the same area as the Japanese fleet and consists of 148 vessels. It is not subject to INPFC jurisdiction but is subject to Korean laws and regulations.

Taiwan Squid Gillnet Fleet

The Taiwanese fleet consists of 73 to 94 vessels and operates in the same areas as the other two fleets. It is not subject to INPFC but is subject to Taiwanese regulations. Taiwan alleges that retention of salmon is strictly prohibited but recent reports indicate that the government may allow its vessels a 10% incidental catch of salmon.

Legal Regime

Under INPFC, the U.S. can board vessels of participating nations, inspect their catch and records, and - if violations are found - hold the vessels until that nation's enforcement authorities arrive. Japan is the only nation fishing on the high seas that is a member of INPFC.

Under the Magnuson Fishery Conservation and Management Act (MFCMA), the U.S. exerts authority over U.S.-origin salmon throughout its range. This jurisdictional claim is formally recognized by Japan and Korea; it is not recognized by Taiwan.

Under general principles of international law, the U.S. can board vessels in international waters only with the consent of the vessel's master or government. Unless an international agreement is in effect, the U.S. cannot seize a vessel in international waters.

As a result, the U.S. can board a Japanese vessel without first obtaining consent, and can hold that vessel if violations are discovered. The U.S. cannot board a Korean vessel unless consent is obtained, but could seize the vessel if it had salmon on board which could be proven to be U.S.-origin. The U.S. cannot board a Taiwanese vessel without consent and seizure of the vessel, even if U.S.-origin salmon is proven to be on board, would be open to legal challenge.

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

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March 9, 1989

Governor's High Seas
Advisory Group

Dear Members:

Quite a lot has occurred since our meeting on January 15. This letter will present brief summaries on the US/USSR meeting, INPFC talks, driftnet negotiations with the Taiwanese, status reports from our committees, and other items.

1. US/USSR

The first meeting of the North Pacific and Bering Sea Fisheries Advisory Body was held on January 16 in Anchorage. This is the advisory group established by the USSR GIFA legislation to advise the State Department on US/USSR fisheries matters. A list of the advisors is enclosed (enclosure 1).

The major topics of discussion were the Bering Sea donut issue and high seas salmon issues. It was noted that delegates from the US government and the USSR met in Moscow on October 19-20 to discuss these issues, and that the next round of talks would build on those meetings.

The US and the USSR agreed at the Moscow meetings that the donut trawl fisheries are having a detrimental effect on Bering Sea pollock, that these unregulated fisheries should cease, and that immediate measures need to be taken to conserve Bering Sea pollock. The Advisory Body discussed the need for an immediate moratorium on fishing in the donut until better scientific data are available. However, there is some disagreement about the need for calling for an outright ban, or taking a more flexible approach because of the possible desire of some US fishermen to fish in the donut.

The Advisory Body went on to discuss high seas salmon issues. The Soviets have expressed an interest in working with the US on the conservation of anadromous species in the North Pacific and Bering Sea. The USSR also has a stated goal of ending high seas salmon fishing by 1992. The advisors discussed the need to explore a number of topics with the Soviets, including joint enforcement and other conservation measures. There seemed to be more of a consensus among the members on salmon issues.

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The first meeting of the US/USSR Intergovernmental Consultative Committee on Fisheries was held in Washington, DC February 6 - 10. A copy of the minutes is enclosed (enclosure 2). Two items of particular importance surfaced at the meeting:

First, the Soviets indicated that the Japanese salmon quota would remain at approximately the same level as last year (app. 2000 mt.) for the area south of the US EEZ. Last year the Japanese quota was approximately 2600 mt. (see enclosure 3). The Soviets also reiterated their intention to phase out the Japanese high seas fishery by 1992.

Second, the Soviets floated a proposed multi-lateral salmon agreement. This agreement would mirror the NASCO agreement, establishing an umbrella Council for the North Pacific and two Commissions--one for the North American side (US and Canada) and one for the Asian side (Japan, USSR, China).

The agreement would be based on the principle of no high seas salmon fishing beyond the 200-mile zone of the parties. The Commissions would oversee fishing within the respective 200-mile zones, and the Council would be a coordinating mechanism for the two Commissions. A number of issues would need to be resolved, especially the powers of each commission respective to fisheries in the zones of member parties of the other commission. In other words, could the USSR or Japan exert control through the agreement on any of the fisheries in our zone? This would be unacceptable.

However, the overall basis and concepts found in the USSR proposal are very close to a rough draft multi-lateral agreement which surfaced at the US section meeting early in the week. This was drafted by representatives from the state and industry, but unfortunately could not be floated to the Soviets by the State Department at the meeting. The US draft (enclosure 4) would eliminate high seas salmon fishing as well as the sale, purchase, or transport of illegally harvested salmon. The US draft also sets up a single commission and establishes mechanisms to cooperate in scientific research on anadromous species.

A Memorandum of Understanding on salmon enforcement was also signed at the meeting and is included with the joint press statement (enclosure 5). It represents a good first step toward cooperative enforcement with the Soviets on salmon enforcement.

2. INPFC

Representatives of the governments of Japan, Canada, and the US met in Sidney, BC from February 27 - March 1 on INPFC matters. The main topics included the Japanese desire for access back into the US EEZ, the Japanese mothership

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conversion proposal, and the squid driftnet issue. The three governments had met in Washington, DC on these same issues and these talks were a follow-up to those meetings.

The Japanese discussed their views regarding the INPFC and the exclusion from the US zone. They laid out a set of alternatives:

1. They wanted back in the US EEZ with the converted fleet. They maintained that the conversion proposal was not linked to their exclusion from our zone. They stated that they would have come forth with the conversion proposal even if they were still fishing in the US EEZ.
2. If they cannot get access back into the zone then, in their view, they should be allowed back into the areas they were fishing in prior to the 1986 annex. They would seek permission to do this under INPFC.
3. If option 2 were foreclosed on them, then they would move unilaterally to fish either the pre-86 areas or in the alternative areas they proposed in April 1988.

The US government's response to this was that:

1. The State Department is drafting legislation to allow the Japanese back into the zone, and pledged to push hard for this legislation in the Congress. They emphasized the desire of the Bush administration to resolve this issue. The State Department noted that in order to be successful, they need help from the Japanese. Cooperation on the squid driftnet problem was identified as one possibility.
2. The State Department noted that option 3 would be unacceptable and would be viewed by the US as an announcement of intent to withdraw from INPFC.

Technical discussions on the respective positions of the three nations regarding the conversion proposal also occurred. These discussions were performed as a follow-up to similar discussions in Washington, DC this past December.

The discussions on the squid driftnet issue brought about some movement. The Department of Commerce pressed for a response from the Japanese on the monitoring and enforcement package previously passed over to the Japanese. They also surfaced a proposal for a cooperative pilot program to place a number of automatic, real-time satellite communication/position location devices on squid vessels. The Japanese did not respond favorably to the proposal, but

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said they would give it further consideration. A follow-up meeting on squid is tentatively set for March 20 in Tokyo.

3. Taiwan Driftnet Talks

Representatives from the US met with Taiwanese officials on February 1 - 3 for negotiations under the Driftnet Act of 1987. The talks covered three issue areas: 1) an observer program; 2) an enforcement agreement; and 3) detailed information on the nature, extent, and effects of Taiwanese driftnet fisheries on marine resources of the concern to the US.

Taiwan's response was that they could not accept US observers on their commercial vessels. They proposed the creation of a multinational organization to collect data, and emphasized that under such an arrangement each participating country would only deploy its own nationals on its vessels.

The Taiwanese have little to no enforcement on the high seas squid fleet. The US pressed the Taiwanese to implement an enforcement regime which includes aircraft surveillance, enforcement vessels, a cooperative enforcement agreement with the US to allow boardings by US enforcement personnel, and installation of automatic, real-time satellite monitoring equipment on each driftnet vessel.

The US also presented Taiwan with a set of questions regarding the operation of the fleet. These questions and a summary of Taiwan's response is in enclosure 6.

4. Committee Reports

ENFORCEMENT COMMITTEE

Pat Wood was responsible for investigating the development of a list of manufacturers/products for use in high seas monitoring. Pat contacted several parties and discovered that it would cost roughly \$10,000 to do a thorough job. Pat will report on his progress at our next meeting. Pat also forwarded a copy of correspondence regarding SEACOPS' effort to work with Boeing on a pilot satellite monitoring project (enclosure 7). I have also enclosed a memo from Pat Martin (enclosure 8) on satellite surveillance. Pat has clearly laid out the differences in the various options, and I think this will be a real help to us as we continue our efforts to get meaningful surveillance on the driftnet fleets.

Pursuant to our discussions at the last meeting, the Governor sent a letter (enclosure 9) to Admiral Yost outlining some of the key questions regarding cooperative enforcement with the USSR. A briefing was held with the Coast Guard and the Department of Defense (DOD) during the

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US/USSR talks in Washington, DC as a result of the Governor's letter. The Coast Guard and DOD indicated that limited sharing of enforcement information and evidence were acceptable activities, but that any extension of enforcement action beyond our 200-mile zone will be limited to those nations with which we have boarding agreements. They also raised strong objections to coordinating enforcement cruises or direct contacts between US and USSR enforcement vessels. DOD also raised numerous national security issues regarding the sharing of classified surveillance information with the Coast Guard for enforcement purposes; and they ruled out taking enforcement action unilaterally against vessels from nations with whom we do not have boarding agreements.

INTERNATIONAL ISSUES COMMITTEE

The committee indicated a need to participate in the upcoming Taiwan driftnet talks, US/USSR meeting, and INPFC meetings. These have been reported on previously in this letter.

The state, in response to the group's request, pursued the enforcement issue and helped to draft the joint enforcement MOU with the USSR, the US draft multilateral salmon agreement, and are in the process of developing a series of maps showing the relationship between the squid fleets, the directed-salmon fleets, the various regulatory areas, etc.

PUBLIC EDUCATION COMMITTEE

Molly McCammon has provided a copy of the committee report (enclosure 10).

CONGRESSIONAL COMMITTEE

A copy of the committee report is enclosed (enclosure 11). The committee made numerous requests and recommendations. These will be addressed in detail at our next meeting. However, some can be mentioned here:

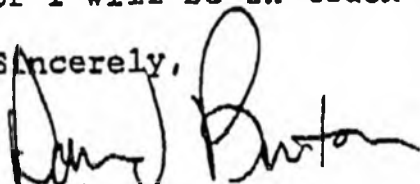
1. Magnuson Act Reauthorization. The state has instituted a process to develop proposed amendments and a draft will be presented to the Governor's High Seas Advisory Group for discussion when it is prepared. Hearings will probably occur in April.
2. Pelly Amendment. The Secretary of Commerce has responded to the Governor's letter regarding trade goods subject to Pelly sanction (enclosure 12). We have also discussed this issue with the Department of Commerce.
3. Territorial sea. The 12-mile limit issue is being research presently by the Attorney General's Office.

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Enclosed for your information is a memo on this subject from NOAA (enclosure 13).

I have also enclosed a copy of a news article about the group (enclosure 14). We will schedule another face-to-face meeting around the next North Pacific Fishery Management Council meeting in April. However, I believe that we should have a conference call before that time. Either John White or I will be in touch with you about this shortly.

Sincerely,



David Benton
Director
Office of External and
Int'l Fisheries Affairs

Enclosures