

**S J R**

**44**



# Alaska State Legislature

HOUSE OF REPRESENTATIVES  
COMMITTEE ON RESOURCES

POUCH V  
JUNEAU, ALASKA 99811  
(907) 468-3718

## MEMORANDUM

TO: House Resources Committee

FROM: Representative Cliff Davidson *CD*

DATE: May 4, 1989

SUBJECT: SJR 44 - Sanctions against Taiwan for high seas interception of Alaskan salmon

### Bill Report

SJR 44 requests the President to immediately invoke the full extent of Pelly Amendment sanctions that are possible against Taiwan if Taiwan fails to enter into monitoring and enforcement agreements by June 30, 1989, as required by the Driftnet Impact Monitoring, Assessment, and Control Act.

The Driftnet Impact, Monitoring, Assessment, and Control Act requires the Secretary of Commerce, through the Secretary of State, to negotiate agreements with Japan, Korea, and Taiwan to establish enforcement, monitoring, and research programs to eliminate high seas interception of salmon and steelhead. The Act provides that, if agreements are not reached by June 30, 1989, the foreign nations can be sanctioned under the Pelly Amendment.

The Pelly Amendment, also known as section 8(a) of the Fishermen's Protective Act of 1967, allows for an embargo of fishery products and for the prohibition of the harvest of fish in the U.S. exclusive economic zone (waters from 3 to 200 miles off the U.S. coast).

The sponsor does not want to ask for immediate sanctioning of Japan and Korea because Japan and Korea have been negotiating with the U.S., while Taiwan has not. Also, there will not be a problem with GATT (General Agreement on Trade & Tariffs) in sanctioning Taiwan, while there may be GATT problems in sanctioning Japan and Korea.



# S.E.A.C.O.P.S.

700 Water Street—Upper  
Ketchikan, Alaska 99901  
Telephone (907) 225-8004

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 no. 1 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 17 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

SOUTHEASTERN ALASKA  
SEINE BOAT OWNERS & OPERATORS

---

P.O. BOX 9679  
KETCHIKAN, ALASKA  
99901  
mailing address

907-226-5158

728 WATER STREET  
KETCHIKAN, ALASKA  
99901

3/23/89

Senator Lloyd Jones

As we discussed on March 14<sup>th</sup>, I am sending a draft resolution calling for the Polky 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

**RUBENS: Regulators say sell**

Dealers in New York had been saying the Rubens — a medium-size portrait of a warrior titled "Mars" — was worth far less than the \$12 million, plus a \$1.2 million buyer's fee, Centrust paid bank's board." He also said full authorization by advice and appraisals a was acquired "with pride" and esthetically appropriate purchase, and that collection was a "prudent nothing," saying that venton as "much ado about

Continued from Page D-1

McKinzie, 39, engineer, and buying airplanes. The airline industry will see a greater separation between ownership and operation, as we have seen with real estate and hotels." King added that GPA ca. and Bangkok Airways

Clients include Braniff TWA, Pan Am, Midway Royal Jordanian, Air Jamaica, and leases them to 64 airlines in 32 countries.

# Lawmakers seek sanctions for fishing violators

The Associated Press

**WASHINGTON** — House members from Washington and Oregon urged President Bush on Tuesday to take trade action against nations refusing to regulate fishing fleets which use huge nets in the North Pacific.

U.S. fishermen claim the so-called driftnets are used to illegally snare millions of salmon, while environmentalists contend the nets are responsible for killing thousands of porpoises, seals, seabirds and other marine life every year.

The nets, which can stretch up to 35 miles, have been used since the early 1980s by about 700 vessels from Japan, South Korea

and Taiwan to catch squid.

Rep. Jolene Unsoeld, D-Wash., introduced a non-binding resolution, backed by her House colleagues in the Washington delegation and Oregon's three Democrats in the House, urging Bush to impose trade sanctions if nations with such fleets refuse to "enter into and implement adequate driftnet monitoring and enforcement agreements."

"This has been called 'biological strip-mining of the sea' and that's exactly what it is," Unsoeld said at a news conference. "The driftnet fleet can lay 30,000 miles of net on any given day, catching and suffocating virtually every porpoise, seal,

fish or bird that comes into contact with it.

"That's not fishing; that's indiscriminate slaughter."

Unsoeld said the resolution "sends an unmistakable message that we want these pirates put out of business." She said driftnet fleets are "stealing" an estimated 10,000 metric tons of salmon worth an estimated \$21 million annually.

American fishermen say the illegal salmon netting has already hurt fish runs in Washington state, Oregon and Alaska.

By international agreement, driftnet fishing is limited to certain areas that are supposed to be well away from salmon grounds, but

Unsoeld said the regulations are ignored.

Talks with the Japanese aimed at reaching an agreement to monitor the driftnet fleet and enforce various regulations broke down over the weekend.

The secretary of commerce, under a 1987 law, has until June '89 to notify the president of any country failing to enter into such an agreement. Bush could then impose trade restrictions on imports of fish products from those countries.

Unsoeld said that if Bush fails to act, she and other lawmakers were prepared to introduce legislation that would require trade sanctions.

**Gasoline prices up again**

NEW YORK — The May contract for West Texas Intermediate, the benchmark grade of U.S. crude, closed 4 cents higher at \$20.63 a barrel Tuesday. The open market price for Alaska North Slope crude delivered to Gulf of Mexico refineries closed down 1 cent at \$19.54 a barrel.

Oil prices

Date	Price
April 10	\$19.55
April 7	\$18.90
April 6	\$18.70

North Slope crude at Gulf of Mexico refineries

Similar measure has been introduced but not yet acted on in the Senate.

Wed. AP. 12-1-87  
 Arch. Daily News.

## 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

STEVE COWPER, GOVERNOR

## DEPARTMENT OF FISH AND GAME

### OFFICE OF THE COMMISSIONER

P.O. BOX 3-2000  
JUNEAU, ALASKA 99802-2000  
PHONE: (907) 485-4100

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.

March 9, 1989

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

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

March 9, 1989

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

March 9, 1989

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:

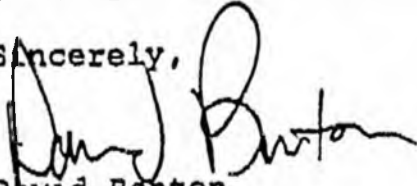
1. Magnuson Act Reauthorization. The state has instituted a process to develop proposed amendments and a draft will be presented to the Governor's High Seas Advisory Group for discussion when it is prepared. Hearings will probably occur in April.
2. Pelly Amendment. The Secretary of Commerce has responded 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 researched presently by the Attorney General's Office.

March 9, 1989

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,

A handwritten signature in dark ink, appearing to read "David Benton". The signature is fluid and cursive, with a large initial "D" and "B".

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

Enclosures

# ALASKA STATE LEGISLATURE

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



While in Juneau  
PO 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.