

S J R

81

ITTEE REPORT

(9)

Date Referred: April 2, 1990

FURTHER REFERRALS:

Date of Committee Action: 5/6/90

The RESOURCES Committee considered:

SJR 81

SENATE JOINT RESOLUTION NO. 81 HIGH SEAS DRIFTNET FISHERIES

Relating to the United Nations resolution on pelagic driftnet fishing and research on the pelagic driftnet fisheries of the North Pacific Ocean.

RECOMMENDATIONS:

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

OPTIONS: _____ 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) 3/27/90 ADP+G
- zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not Pass No Rec Amend

Cliff Davidson DAVIDSON

Bill Hudson HUDSON

Mike Navarre NAVARRE

M. Davis M. DAVIS

Richard Foster <i>(Signature)</i>	FOSTER	<input checked="" type="checkbox"/>	
<i>(Signature)</i>	SHARP	<input checked="" type="checkbox"/>	

(Signature)

Chairman's Signature

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Relating to U.N. resolution
on pelagic driftnet fishing
Sponsor: Rules Committee
Requestor: _____

Agency Affected: Dept. of Fish & Game
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	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 FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

No FY 90 impact.

Prepared by: Molly McCammon
Division: Spec. Asst. to the Commissioner
Approved by Commissioner: *[Signature]*
Agency: AK Dept. of Fish & Game

Phone: 465-4100
Date: 3/26/90
Date: 3/27/90

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

MEMORANDUM

State of Alaska

DEPARTMENT OF FISH AND GAME


TO: Senate Special Committee
on High Seas Salmon
Interception

DATE: March 1, 1990

FILE NO.:

TELEPHONE NO.: 465-4100

SUBJECT: Information
Regarding CSSJR6

FROM:  David Benson
Director of External
and International Fishery Affairs
Department of Fish and Game

During the 1989 legislative session the Alaska State Legislature passed CSSJR6, "Relating to the Interception of Alaska Salmon and Steelhead on the High Seas." This resolution listed several specific actions which the Legislature believed would help address this problem. The Department of Fish and Game, as the agency charged to lead the state's efforts to end high seas interception, mounted an aggressive campaign to tackle this problem. This memo briefly reports on our efforts to date regarding the actions specifically identified by the Legislature in the resolution.

High Seas Salmon Fisheries of Japan

The International North Pacific Fisheries Commission (INPFC) has historically been the forum for addressing the interception of Alaska salmon by the directed high seas salmon fleets of Japan. The state has been an important player in this forum over the years. Resolution CSSJR6 stated:

BE IT RESOLVED that the Alaska State Legislature respectfully requests the American section of the International North Pacific Fisheries Commission to hold firm in negotiating with the Japanese and to oppose expansion of the Japanese salmon and squid fishing areas, as well Japan's proposal to convert its mothership fleet on the high seas to land-based fleet; and be it

FURTHER RESOLVED that the Alaska State Legislature respectfully requests the Congress not to allow the Japanese to fish for salmon and steelhead within the United States Exclusive Economic Zone...

Status: One of the most controversial issues at the 1988 INPFC meeting was the Japanese proposal to convert their mothership fishery to a landbased style fishery, with freezer capacity on the catcherboats and direct deliveries from the catcherboats to shore. Several rounds of talks took place in late 1988 and early 1989. The State adopted a very tough stand regarding the conversion proposal, and attended all of

the negotiations. The end result after several rounds of talks was that Japan dropped their request for the 1989 fishing season because the U.S. counterproposal was unacceptable.

The 1989 mothership fishery was then carried out with an old Hokuten trawler serving as the "mothership" (the vessel was reportedly going into bankruptcy and was commissioned very cheaply) and 56 catcherboats divided into two fleets. Reports indicate that many of the catcherboats already had freezer capacity installed and that some deliveries were made directly to trampers or to shore. The Soviet quota for the mothership fleet for the 1989 season was 2834 mt. The Japanese harvest reportedly fell short of this because the fleet reached the pink cap early in the fishery. Please see enclosure 1.

The Japanese have again raised the conversion issue at INPFC. This issue is the subject of on-going negotiations between Canada, Japan and the U.S. The next round of talks is scheduled for March 27, 1990.

In 1989, the Japanese once again sought entry back into the U.S. EEZ for the mothership fleet. This was successfully blocked.

U.S./U.S.S.R. Agreement

In May, 1988 the U.S. and the U.S.S.R. signed a comprehensive fisheries agreement. The Legislature recognized this as a significant new opportunity to address the high seas problem. Specifically, the resolution stated:

...be it FURTHER RESOLVED that the Alaska State Legislature respectfully requests the United States Department of State to immediately begin negotiating a joint enforcement agreement with the Soviet Union in order to prevent illegal fishing in the North Pacific Ocean; and be it

FURTHER RESOLVED that the Alaska State Legislature respectfully requests the United States Department of State to begin negotiating with all the salmon producing countries for an international treaty that would ban all high seas salmon fishing...

Status: The State of Alaska has been very successful to date with the U.S./U.S.S.R. initiative. The U.S./U.S.S.R. comprehensive fisheries agreement was signed in May of 1988. Ratifying legislation passed the Congress later that year. The state was able to get language establishing a North Pacific and Bering Sea Advisory Body (Advisory Body) inserted

into the legislation. The Advisory Body consists of the Commissioner of Alaska Department Fish and Game, the Director of Washington Department of Fisheries, and ten industry representatives (five each from Alaska and Washington). Two legislators, Senator Binkley and Representative Cotten, also serve on the Advisory Body. Through the Advisory Body we have been able to accomplish most of our U.S./U.S.S.R. objectives.

The first meeting of the ICC occurred in February of 1989 in Washington, D.C. The U.S. government was not well prepared for this meeting. The state was able to get a draft cooperative enforcement proposal introduced despite initial objections to the concept by Coast Guard and Defense. This cooperative salmon enforcement MOU was signed at the February meeting.

Also at this meeting, the Soviets tabled what appeared to be a hastily drafted salmon proposal. It was agreed that discussions should proceed on salmon management issues at the next ICC meeting, which was scheduled to take place in the U.S.S.R. Previous to this, the U.S. and U.S.S.R. had not discussed salmon management issues in any depth despite several earlier opportunities.

In response, the state, working with industry, drafted a proposed salmon management regime for the North Pacific. This was reviewed and adopted by the U.S./U.S.S.R. Advisory Body. The proposal would replace INPFC with a new treaty which would prohibit the taking of salmon on the high seas. The treaty would be between Japan, Canada, the U.S.S.R. and the U.S. This draft eventually became a formal U.S. proposal which was presented to the Soviets in Leningrad in late September, 1989. After several days of negotiations the proposal was conceptually approved by the two countries. Drafts have been presented to Canada and Japan for their review. Four way negotiations will probably begin later in 1990.

In addition to the above, the state pushed for a joint U.S./U.S.S.R. salmon science conference. The purpose is to foster improved communication among our respective scientists on salmon matters. Up to now, most of the information we have had on U.S.S.R. stocks has come from the Japanese. Similarly, the Japanese have supplied the Soviets most of the information they have had regarding our stocks. The same situation existed for data regarding catch and quota statistics for the Japanese high seas salmon fisheries. The idea to hold a salmon conference was floated in October, 1988 at the U.S./U.S.S.R. science bilaterals. The first such conference was hosted by the U.S.S.R. at Sakhalin in early September 1989.

Magnuson Act Reauthorization

Regarding the Magnuson Act reauthorization and the high seas interception issue, the Legislature resolved in CSSJR6:

that the Alaska State Legislature respectfully requests the Congress to amend the Magnuson Fisheries Conservation and Management Act (16 U.S.C. 1801 - 1882) to ensure that United States jurisdiction over American anadromous species on the high seas will be effectively enforced to stop interception of salmon and steelhead on the high seas...

Status: The state developed language to strengthen U.S. assertions of jurisdiction over anadromous species. This language, or a variation of it, is in both House and Senate versions of the MFCMA reauthorization bills. The House version recently passed; the Senate has yet to act. In addition, given events on the international front regarding driftnets, the state will be working to strengthen the Driftnet Act as well.

High Seas Squid Driftnet Fisheries

The squid driftnet fleets of Taiwan, Korea, and Japan are having a significant impact on North American salmon and steelhead stocks, marine mammals, seabirds, and other living marine resources. The Legislature recognized this problem, and the state mounted an aggressive campaign on this issue in 1989. The Legislature stated in the resolution:

...be it FURTHER RESOLVED that the Alaska State Legislature respectfully requests the United States Department of State and the Congress to take whatever actions are necessary to control the illegal and unregulated fishing activities of the South Korean, Taiwanese and Japanese squid fleets...

Status: The state mounted an aggressive campaign to address the squid driftnet issue on a number of levels. The state has been deeply involved in the strategy sessions and attended nearly all of the 1988/1989 negotiations conducted under the Driftnet Act of 1987. There now are agreements with all three driftnet fishing nations. Each agreement is somewhat different, each has its strong points and its weak points. These agreements are summarized in enclosure 2. Two countries were certified for failing to meet the deadlines contained in the Act: Taiwan and Korea. No trade sanctions were taken in either case.

As part of the international effort, a state representative was sent to the South Pacific Forum meeting in Suva, Fiji to attend the first round of talks between the Forum Fisheries Agency (FFA) representing 16 South Pacific nations and delegations from Japan, Taiwan, and Korea. These talks centered on the impacts of driftnets on southern albacore stocks. The state was able to assist the FFA on both a technical and political level, and established a good working relationship with the FFA countries. A meeting was held in New Zealand following the Suva meeting with the now-Prime Minister where a North/South strategy was discussed to address our mutual concerns regarding driftnet fisheries, including taking this issue to the United Nations.

The state also joined up with British Columbia and the states of Washington, Oregon, California, Idaho, and Hawaii to bring pressure to bear on the federal governments of Canada and the U.S. This coalition of Alaska, the Province and 5 western states issued a Proclamation on High Seas Driftnet Fisheries in the North Pacific Ocean which called for a number of actions to be taken collectively by the two nations to protect North American fisheries resources, marine mammals, seabirds, and other living marine resources of the North Pacific. The Proclamation also called for an international ban on driftnet fishing on the high seas.

In addition, the state embarked on an ambitious campaign to bring together a broad coalition of interest groups to attack the driftnet problem on both a national and international level, including environmental organizations, commercial and sport fishing groups, and other public interest groups.

The result of all this effort has been greatly heightened international concern regarding high seas driftnets. The United Nations resolution on driftnets (enclosure 2), which passed in December 1989, is a good demonstration of this. While not an answer in and of itself, the resolution does point up increased international concern on the issue, and calls for a moratorium on large scale driftnet fisheries by 1992 unless effective conservation measures are in place. Of course, the interpretation of "effective conservation measures" will be a contentious issue, and the state will need to stay on top of implementation of the resolution.

Pelly Amendment

The Legislature stated the following regarding the Pelly Amendment:

...be it FURTHER RESOLVED that the Alaska State Legislature respectfully requests the Congress to expand the Pelly Amendment to

- (1) provide for sanctions against foreign nations whose fishermen intercept anadromous species on the high seas or who refuse to cooperate with the United States in developing and enforcing international fishing regulations to prevent interception of anadromous species on the high seas; and
- (2) include in the sanctions against those nations embargoes on fisheries and other products imported from those nations...

Status: The state has expressed strong support for legislation pending in Congress to strengthen and broaden the Pelly Amendment sanctions.

Funding to Address High Seas Issues

The Legislature called for increased funding for high seas programs, stating:

that the Alaska State Legislature respectfully requests the Congress to provide continued funding for the United States high seas observer program and other salmon research programs and to provide funding for increased enforcement of high seas conservation agreements by the United States Coast Guard.

Status: The state joined with industry and other states to address a number of funding issues for federal fisheries programs. This was a successful effort and federal fisheries budgets for high seas interception have been substantially increased. Enforcement and monitoring budgets have been increased over last year, and \$3 million was specifically added to the NOAA budget to implement the Driftnet Act agreements. This year we will be asking for \$7.5 million for this program.

Enclosures

12. 13. 89 11108 AM *U. N. MISSION TO U. N. P02

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UNITED
NATIONS

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General Assembly

Distr.
LIMITEDA/C.2/44/L.81
11 December 1989

ORIGINAL: ENGLISH

Forty-fourth session
SECOND COMMITTEE
Agenda item 82 (f)DEVELOPMENT AND INTERNATIONAL ECONOMIC CO-OPERATION:
ENVIRONMENT

Draft resolution submitted by the Vice-Chairman of the Committee, Mr. David Payne (New Zealand), on the basis of informal consultations held on revised draft resolutions A/C.2/44/L.18/Rev.1 and L.10/Rev.1

Large-scale pelagic driftnet fishing and its impacts on the living marine resources of the world's oceans and seas

Noting that many countries are disturbed by the increase in the use of large-scale pelagic driftnets, which can reach or exceed 30 miles (48 kilometres) in total length, to catch living marine resources on the high seas of the world's oceans and seas,

Mindful that large-scale pelagic driftnet fishing, a method of fishing with a net or a combination of nets intended to be held in a more or less vertical position by floats and weights, whose purpose is to enclose fish by drifting on the surface of or in the water, can be a highly indiscriminate and wasteful fishing method which is widely considered to threaten the effective conservation of living marine resources such as highly migratory and anadromous species of fish, birds and marine mammals,

Noting that the present resolution does not address the question of small-scale driftnet fishing traditionally conducted in coastal waters, especially by developing countries, which provides an important contribution to their subsistence and economic development,

12. 13. 00 11:08 AM - U. S. MISSION TO U. N. 703

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English

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Expressing concern that, in addition to targeted species of fish, non-targeted fish, marine mammals, seabirds and other living marine resources of the world's oceans and seas can become entangled in large-scale pelagic driftnets, either in those in active use or in those that are lost or discarded, and as a result of such entanglement, are often either damaged or killed,

Recognizing that more than one thousand fishing vessels use large-scale pelagic driftnets in the Pacific Ocean, the Atlantic Ocean, the Indian Ocean, and in other areas of the high seas,

Recognizing that any regulatory measures to be taken for the conservation and management of living marine resources should take account of the best available scientific data and analysis,

Recalling the relevant principles elaborated in the United Nations Convention on the Law of the Sea,

Affirming that, in accordance with the relevant articles of the Convention on the Law of the Sea, all members of the international community have a duty to co-operate globally and regionally in the conservation and management of living resources on the high seas, and a duty to take, or to co-operate with others in taking, such measures for their nationals as may be necessary for the conservation of the living resources of the high seas,

Recalling, in accordance with the relevant articles of the Convention on the Law of the Sea, the responsibility of all members of the international community to ensure the conservation and management of living marine resources and the protection and preservation of the living marine environment within their exclusive economic zones,

Making the serious concern, particularly of coastal States and States with fishing interests, that when living marine resources are overexploited in the high seas adjacent to the exclusive economic zones of coastal States, this is likely to have adverse impacts on the same resources within such zones, and in this regard, the responsibility for co-operation in accordance with the relevant articles of the Convention on the Law of the Sea,

Also noting that the countries of the South Pacific Forum and the South Pacific Commission, in recognition of the importance of living marine resources to the people of the South Pacific region, have called for a cessation of such fishing in the South Pacific and the implementation of effective management programmes,

Also noting the adoption by South Pacific Heads of Government of the Declaration on this subject at Tarawa on 11 July 1988 and the adoption by South Pacific States and territories of the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific, at Wellington on 24 November 1989,

Further noting that some members of the international community have entered into co-operative enforcement and monitoring programmes for the immediate evaluation of the impacts of large-scale pelagic driftnet fishing,

12. 13. 88 11:08 AM *U. N. MISSION TO U. N. FO4

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Recognizing that some members of the international community have taken steps to reduce their driftnet operations in some regions in response to regional concerns,

1. Calls upon all members of the international community, particularly those with fishing interests, to strengthen their co-operation in the conservation and management of living marine resources;

2. Calls upon all those involved in large-scale pelagic driftnet fishing to co-operate fully with the international community, and especially with coastal States and the relevant international and regional organizations, in the enhanced collection and sharing of statistically sound scientific data, in order to continue to assess the impacts of such fishing methods, and to secure conservation of the world's living marine resources;

3. Recommends that all interested members of the international community, particularly within regional organizations, continue to consider and, by no later than 30 June 1991, review the best available scientific data on the impacts of large-scale pelagic driftnet fishing, and agree upon further co-operative regulation and monitoring measures, as needed;

4. Further recommends that all members of the international community, bearing in mind the special role of regional organizations and regional and bilateral co-operation in the conservation and management of living marine resources, as reflected in the relevant articles of the Convention on the Law of the Sea, agree to:

(a) Moratoria on all large-scale pelagic driftnet fishing on the high seas by 30 June 1992 with the understanding that such a measure will not be imposed in a region, or if implemented, can be lifted, should effective conservation and management measures be taken based upon statistically sound analysis to be jointly made by concerned parties of the international community with an interest in the fishery resources of the region, to prevent unacceptable impacts of such fishing practices in that region and to ensure the conservation of the living marine resources of that region;

(b) Take immediate action to reduce progressively large-scale pelagic driftnet fishing activities in the South Pacific region leading to the cessation of such activities by no later than 1 July 1991, as an interim measure, until appropriate conservation and management arrangements for South Pacific albacore tuna resources are entered into by the parties concerned;

(c) An immediate cessation to further expansion of large-scale pelagic driftnet fishing on the high seas of the North Pacific and all the other high seas outside the Pacific Ocean, with the understanding that this measure will be reviewed subject to the conditions in 4 (a);

5. Encourages coastal countries which have exclusive economic zones adjacent to the high seas to take appropriate measures and to co-operate in collection and submission of scientific information on driftnet fishing in their own exclusive

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English

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economic zones, taking into account the measures taken on the high seas for the conservation of living marine resources;

6. Requests specialized agencies, particularly the Food and Agriculture Organisation of the United Nations and other appropriate organs, organisations and programmes of the United Nations system, as well as the various regional and subregional fisheries organisations, to study urgently large-scale pelagic driftnet fishing and its impacts on the living marine resources and to report their views to the Secretary-General;

7. Requests the Secretary-General to bring the present resolution to the attention of all members of the international community, intergovernmental organisations, non-governmental organisations in consultative status with the Economic and Social Council, and well-established scientific institutions with expertise in relation to living marine resources;

8. Requests the Secretary-General to submit to the General Assembly at its forty-fifth session a report on the implementation of the present resolution for its consideration.

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

December 26, 1989

The Honorable James Baker
Secretary of State
2201 C St., NW
Room 7226
Washington, D.C. 20520

Dear Secretary Baker:

I want to thank you for your efforts to secure a resolution at the United Nations on the problem of high seas driftnets. As you know, these driftnets are causing severe conservation problems for North American steelhead and salmon stocks, and are having major impacts on marine mammals, seabirds and other living marine resources.

Unfortunately, while demonstrating international concern about the impacts of driftnets, the compromise resolution does not provide clear guidance for action to solve this problem, especially in the North Pacific. The language of the resolution is vague and will undoubtedly be subject to numerous interpretations. This could weaken the efforts of the United States to address this problem in other international arenas. Accordingly, the United States must make a concerted effort to ensure careful implementation of the provisions of the compromise resolution to protect U.S. interests. I strongly encourage both you and Secretary Mosbacher to devote the resources necessary to accomplish this task.

In addition, the State of Alaska believes there is sufficient justification to seek an immediate moratorium on driftnets in the North Pacific. This position also is reflected in the Proclamation on High Seas Driftnet Fisheries in the North Pacific recently forwarded to you by the states of Alaska, Washington, Oregon, Idaho, California and Hawaii, and joined by the province of British Columbia. By calling for a moratorium on the use of high seas driftnets, the original resolution put forward by the United States would have gone a long way toward resolving the issue.

Mr. Secretary, it is critical the United States make a clear and forceful statement regarding its concerns about the impacts of driftnets on the world's living marine resources. While the U.N. resolution can be used to demonstrate international

Mr. James Baker

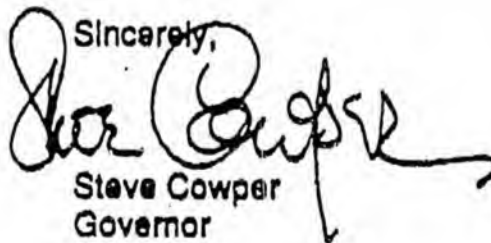
December 26, 1989

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concern over driftnets, the U.S. must not allow it to be used as a stalling tactic by the driftnet fishing nations. Any moratorium, be it immediate or in 1992, must go into effect unless the driftnet fishing nations can demonstrate, through statistically verifiable scientific data acceptable to the entire international community, that driftnet fishing does not pose an unacceptable threat to the living marine resources of the world's oceans. There should be no doubt with regard to the views of the United States in this matter.

Once again, I wish to thank you for your personal efforts in this matter. It is heartening that this issue has been raised to such a level of international concern.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper", with a long horizontal flourish extending to the right.

Steve Cowper
Governor