

SCOMM

#36:23

IDENTIFICATION	BILL NAME Relating to United States observers on foreign fishing vessels.		BILL NUMBER HJR 19
			DATE INTRODUCED 1/24/83
			RELATED BILLS PENDING
	SPONSOR(S) Grussendorf, McBride, Wandte, and Zharoff		REFERRALS House Special Comm. on Fisheries and Resources
INITIAL RESEARCH	INITIAL SUMMARY COMPLETED	LEGAL DIVISION SUMMARY	
	SPONSOR CONTACTED FOR BACKUP MATERIALS <input checked="" type="checkbox"/>	DEPT OF LAW SUMMARY	
	AGENCY RESPONSE	FISCAL NOTE	
		OTHER INTERESTED LEGISLATORS NOTIFIED <input checked="" type="checkbox"/>	
BACKGROUND RESEARCH	SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES		OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, ETC
	RESPONSES FROM INTERESTED PERSONS AND/OR GROUPS		
HEARING PREPARATION	CHAIRMAN BRIEFED <input checked="" type="checkbox"/>	DATE & PLACE SET February 10, 1983	
	STAFF MEMO TO COMMITTEE	TELECONFERENCE	
	BACKGROUND MATERIAL DISTRIBUTED	PSA/PRESS RELEASE <input checked="" type="checkbox"/>	
	LIST OF WITNESSES	SUGGESTED AMENDMENTS/CS DRAFTED <input checked="" type="checkbox"/>	

HOUSE SPECIAL COMMITTEE ON FISHERIES

Meets: Behrends lower level
committee room, TTH, 4 - 5pm

Thursday, February 10, 1983

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

Ak. Seafood Marketing Institute presentation (tentative)

TELECONFERENCES

Tuesday, February 8, 1983 2:45 pm - 4:45 pm (PST)

Public hearing regarding the U.S./Canada Salmon Treaty.

Monday, February 14, 1983 5:00 pm - 6:45 pm (PST)

Public hearing regarding the U.S./Canada Salmon Treaty.

Meets: Behrends lower level committee room

**STATE OF ALASKA
THE LEGISLATURE**

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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

*House Special Comm. on Fisheries
2/10/83 4:05pm*

Table 2.-Summary of observer coverage of (A) foreign and (B) joint-venture fisheries in the Bering Sea/Aleutian region through November, 1982.

Nation - Vessel class	Totals for Year						Recent Month - November 1982					
	Foreign effort (days)	Observer effort (days)	Per-cent coverage (%)	Foreign Vessels (no.)	Observer vessels (no.)	Per-cent sampled (%)	Foreign effort (days)	Observer effort (days)	Per-cent coverage (%)	Foreign Vessels (no.)	Observer vessels (no.)	Per-cent sampled (%)
A. Foreign directed fishery												
Japan -												
Surimi mothership	703	597	84.9	5	5	100.0	1	0	0.0	1	0	0.0
Freezer mothership	153	138	90.2	1	1	100.0	22	22	100.0	1	1	100.0
Small trawler	19,221	3,876	20.2	105	89	84.8	1,637	403	24.6	80	30	37.5
Large freezer trawler	370	136	36.8	5	4	80.0	32	21	65.6	3	1	33.3
Large surimi trawler	3,040	1,511	49.6	15	15	100.0	299	203	67.9	12	11	91.7
Longliner	1,072	564	52.6	22	21	95.5	101	30	29.7	17	5	29.4
Snail pot	92	0	0.0	2	0	0.0	0	0	-	0	0	-
	<u>24,654</u>	<u>6,822</u>										
S. Korea -												
Small trawler	686	191	27.8	6	6	100.0	64	17	26.6	5	3	60.0
Large freezer trawler	2,808	953	33.9	23	23	100.0	172	87	50.6	16	9	56.3
Longliner	155	38	24.5	2	2	100.0	0	0	-	0	0	-
	<u>3,649</u>	<u>1,182</u>										
Taiwan -												
Small trawler	279	63	22.6	3	3	100.0	25	0	0.0	2	0	0.0
Large freezer trawler	150	37	24.7	1	1	100.0	0	0	-	0	0	-
	<u>429</u>	<u>100</u>										
W. Germany -												
Large freezer trawler	184	160	87.0	1	1	100.0	20	13	65.0	1	1	100.0
Total	28,921	8,264	28.6	194	173	89.2	2,373	796	33.5	138	61	44.2
B. Joint venture fishery												
US-USSR JV mothership	883	509	57.6	7	7	100.0	0	0	-	0	0	-
US-Korea JV mothership	6	5	83.3	1	1	100.0	0	0	-	0	0	-
US-Japan JV motl. ship	295	211	71.5	6	6	100.0	14	10	71.4	1	1	100.0
US-W. Germany JV mother-ship	74	47	63.5	1	1	100.0	0	0	-	0	0	-
US-Poland JV mothership	112	99	88.4	3	3	100.0	0	0	-	0	0	-
US-Taiwan JV mothership	11	0	0.0	1	0	0.0	11	0	0.0	1	0	0.0
Total	1,381	871	63.1	19	18	94.7	25	10	40.0	2	1	50.0
GRAND TOTAL	30,302	9,135	30.1	213	191	89.7	2,398	806	33.6	140	62	44.3

Table 3.--Summary of observer coverage of (A) foreign and (B) joint-venture fisheries in the Gulf of Alaska region through November, 1982.

Nation - Vessel class	Totals for Year						Recent Month - November 1982					
	Foreign effort (days)	Observer effort (days)	Per-cent cover-age (%)	For-eign Ves-sels (no.)	Obser-ver ves-sels (no.)	Per-cent sam-pled (%)	Foreign effort (days)	Observer effort (days)	Per-cent cover-age (%)	For-eign Ves-sels (no.)	Obser-ver ves-sels (no.)	Per-cent sam-pled (%)
A. Foreign directed fishery												
Japan -												
Small trawler	1,769	957	54.1	14	14	100.0	172	121	70.3	11	8	72.7
Large freezer trawler	636	448	70.4	5	5	100.0	26	19	73.1	2	1	50.0
Large surimi trawler	396	207	52.3	3	2	66.7	50	25	50.0	3	2	68.7
Longliner	2,450	208	8.5	22	20	90.9	327	35	10.7	19	4	21.1
S. Korea -												
Small trawler	149	72	48.3	5	4	80.0	25	20	80.0	4	2	50.0
Large freezer trawler	860	218	25.3	22	19	86.4	80	43	53.8	14	6	42.9
Longliner	190	5	2.6	2	1	50.0	0	0	-	0	0	-
Total	6,450	2,115	32.8	73	65	89.0	680	263	38.7	53	23	43.4
B. Joint venture fishery												
US-Korea JV mothership	524	173	33.0	19	12	63.2	0	0	-	0	0	-
US-Japan JV mothership	128	67	52.3	2	2	100.0	0	0	-	0	0	-
US-Poland JV mothership	87	38	43.7	3	2	66.7	0	0	-	0	0	-
US-W. Germany JV mother-ship	3	3	100.0	1	1	100.0	0	0	-	0	0	-
Total	842	281	37.9	25	17	68.0	0	0	-	0	0	-
GRAND TOTAL	7,292	2,396	32.9	98	82	83.7	680	263	38.7	53	23	43.4

HJR 19

- (2) all tariff and nontariff trade barriers imposed by such nations on the importation of such species from the United States.
- (g) RECIPROCITY. Foreign fishing shall not be authorized for the fishing vessels of any foreign nation unless such nation satisfies the Secretary and the Secretary of State that such nation extends substantially the same fishing privileges to fishing vessels of the United States, if any, as the United States extends to foreign fishing vessels.
- (h) PRELIMINARY FISHERY MANAGEMENT PLANS. The Secretary, when notified by the Secretary of State that any foreign nation has submitted an application under section 204(b), shall prepare a preliminary fishery management plan for any fishery covered by such application if the Secretary determines that no fishery management plan for that fishery will be prepared and implemented, pursuant to title III, before March 1, 1977. To the extent practicable, each such plan
 - (1) shall contain a preliminary description of the fishery and a preliminary determination as to
 - (A) the optimum yield from such fishery;
 - (B) when appropriate, the capacity and extent to which United States fish processors will process that portion of such optimum yield that will be harvested by vessels of the United States; and
 - (C) the total allowable level of foreign fishing with respect to such fishery;
 - (2) shall require each foreign fishing vessel engaged or wishing to engage in such fishery to obtain a permit from the Secretary;
 - (3) shall require the submission of pertinent data to the Secretary, with respect to such fishery, as described in section 303(a)(5); and
 - (4) may, to the extent necessary to prevent irreversible effects from overfishing, with respect to such fishery, contain conservation and management measures applicable to foreign fishing which
 - (A) are determined to be necessary and appropriate for the conservation and management of such fishery,
 - (B) are consistent with the national standards, the other provisions of this Act, and other applicable law, and
 - (C) are described in section 303(b)(2), (3), (4), (5), and (7).

Each preliminary fishery management plan shall be in effect with respect to foreign fishing for which permits have been issued until a fishery management plan is prepared and implemented, pursuant to title III, with respect to such fishery. The Secretary may, in accordance with section 553 of title 5, United States Code, also prepare and promulgate interim regulations with respect to any such preliminary plan. Such regulations shall be in effect until regulations implementing the applicable fishery management plan are promulgated pursuant to section 305.

(1) FULL OBSERVER COVERAGE PROGRAM.

- (1) Except as provided in paragraph (2), the Secretary shall establish a program under which a United States observer will be stationed aboard each foreign fishing vessel while that vessel is engaged in fishing within the fishery conservation zone.

- (2) The requirement in paragraph (1) that a United States observer be placed aboard each foreign fishing vessel may be waived by the Secretary if he finds that
- (A) In a situation where a fleet of harvesting vessels transfers its catch taken within the fishery conservation zone to another vessel, aboard which is a United States observer, the stationing of United States observers on only a portion of the harvesting vessel fleet will provide a representative sampling of the bycatch of the fleet that is sufficient for purposes of determining whether the requirements of the applicable management plans for the bycatch species are being complied with;
 - (B) with respect to any foreign fishing vessel while it is engaged in fishing within the fishery conservation zone
 - (i) the time during which the vessel engages in such fishing will be of such short duration that the placing of a United States observer aboard the vessel would be impractical, or
 - (ii) the facilities of the vessel for the quartering of a United States observer, or for the carrying out of observer functions, are so inadequate or unsafe that the health or safety of an observer would be jeopardized; or
 - (C) for reasons beyond the control of the Secretary, an observer is not available.
- (3) Observers, while stationed aboard foreign fishing vessels, shall carry out such scientific, compliance monitoring, and other functions as the Secretary deems necessary or appropriate to carry out the purposes of this Act; and shall cooperate in carrying out such other scientific programs relating to the conservation and management of living resources as the Secretary deems appropriate;
- (4) In addition to any fee imposed under section 204(b)(10) of this Act and section 10(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1980(e)) with respect to foreign fishing for any year after 1980, the Secretary shall impose, with respect to each foreign fishing vessel for which a permit is issued under section 204, a surcharge in an amount sufficient to cover all the costs of providing a United States observer aboard that vessel. The failure to pay any surcharge imposed under this paragraph shall be treated by the Secretary as a failure to pay the permit fee for such vessel under section 204(b)(10). All surcharges collected by the Secretary under this paragraph shall be deposited in the Foreign Fishing Observer Fund established by paragraph (5).
- (5) There is established in the Treasury of the United States the Foreign Fishing Observer Fund. The Fund shall be available to the Secretary as a revolving fund for the purpose of carrying out this subsection. The Fund shall consist of the surcharges deposited into it as required under paragraph (4). All payments made by the Secretary to carry out this subsection shall be paid from the Fund, only to the extent and in the amounts provided for in advance in appropriations Acts. Sums in the Fund which are not currently needed for the purposes of this subsection shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.
- (6) If at any time the requirement set forth in paragraph (1) cannot be met because of insufficient appropriations, the Secretary shall, in implementing a supplementary observer program:

- (A) certify as observers, for the purposes of this subsection, individuals who are citizens or nationals of the United States and who have the requisite education or experience to carry out the functions referred to in paragraph (3);
- (B) establish standards of conduct for certified observers equivalent to those applicable to Federal personnel;
- (C) establish a reasonable schedule of fees that certified observers or their agents shall be paid by the owners and operators of foreign fishing vessels for observer services; and
- (D) monitor the performance of observers to ensure that it meets the purposes of this Act.

(J) RECREATIONAL FISHING. Notwithstanding any other provision of this title, foreign fishing vessels which are not operated for profit may engage in recreational fishing within the fishery conservation zone and the waters within the boundaries of a State subject to obtaining such permits, paying such reasonable fees, and complying with such conditions and restrictions as the Secretary and the Governor of the State (or his designee) shall impose as being necessary or appropriate to insure that the fishing activity of such foreign vessels within such zone or waters, respectively, is consistent with all applicable Federal and State laws and any applicable fishery management plan implemented under Section 305. The Secretary shall consult with the Secretary of State and the Secretary of the Department in which the Coast Guard is operating in formulating the conditions and restrictions to be applied by the Secretary under the authority of this subsection.

SECTION 202. INTERNATIONAL FISHERY AGREEMENTS.

(a) NEGOTIATIONS. The Secretary of State

- (1) shall renegotiate treaties as provided for in subsection (b);
- (2) shall negotiate governing international fishery agreements described in section 201(c);
- (3) may negotiate boundary agreements as provided for in subsection (d);
- (4) shall, upon the request of and in cooperation with the Secretary, initiate and conduct negotiations for the purpose of entering into international fishery agreements
 - (A) which allow fishing vessels of the United States equitable access to fish over which foreign nations assert exclusive fishery management authority, and
 - (B) which provide for the conservation and management of anadromous species and highly migratory species; and
- (5) may enter into such other negotiations, not prohibited by subsection (c), as may be necessary and appropriate to further the purposes, policy and provisions of this Act.

(b) TREATY RENEGOTIATION. The Secretary of State, in cooperation with the Secretary, shall initiate, promptly after the date of enactment of this Act, the renegotiation of any treaty which pertains to fishing within the fishery conservation zone (or within the area that will constitute such zone after February 28, 1977), or for anadromous species or Continental shelf fishery resources beyond such zone or area, and which is in any manner inconsistent with the purposes, policy, or provisions of this Act, in order to conform such treaty to such purposes, policy, and provisions.

HJR 19 TITLE & SPONSOR SUMMARY
AMENDED TITLE: CSHJR 19(FISH)
RELATING TO UNITED STATES OBSERVERS ON FOREIGN FISHING
VESSELS

10:46 3/05/83 PAGE 1 OF 2

PRIME SPONSOR: GRUSSENDORF.

CO-SPONSORS: MCBRIDE, WENDTE, ZHAROFF, GOLL.

CURRENT STATUS: 3/04/83 PASSED (H)
HJR 19 HOUSE ACTION

10:46 3/05/83 PAGE 2 OF 2

DATE	SEQ	PAGE	LEGISLATIVE ACTION
01/24/83	01	0095	FIRST READING -- COMMITTEE REPORTS
02/15/83	02	0262	FISH -- CS06
03/02/83	03	0380	RES -- DP08
03/04/83	04	0403	SECOND READING
03/04/83	05	0403	FISH CS ADOPTED BY UNAN CONSENT
03/04/83	06	0403	ADVANCED TO 3RD READING BY UNAN CONSENT
03/04/83	07	0403	THIRD READING
03/04/83	08	0404	PASSED BY DIV 39-00-01
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