

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

4995 HRES HJR 61 - HJR 64

557

HJR

61

HOUSE COMMITTEE REPORT

(9)

Date referred: 3/28/88

FURTHER REFERRALS:

DATE: 3-29-88

The Resources Committee has considered HJR 61

Relating to garbage dumping in the ocean.

RECOMMENDS:

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

ADOPTS: [] _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [] fiscal impact [] same as previous fiscal note published _____
[] zero fiscal note [X] same as previous zero fiscal note published _____
[] zero with analysis

SIGNING DO PASS:

Adelheid Herrmann
[Signature]
[Signature]
[Signature]

SIGNING OTHER RECOMMENDATIONS:

Adelheid Herrmann
Chairman's signature

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: HJR 61
PUBLISH DATE: HOUSE 3/28/88

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Relating to garbage dumping in the ocean
Sponsor: Herrmann, Sund, Ellis & Davidson
Requestor: _____

Agency Affected: Community & Regional Affairs
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Jim Plasman, Deputy Director Phone: 465-4750
Division: Municipal & Regional Assistance Date: 3/24/88
Approved by Commissioner: [Signature] Date: 3/25/88
Agency: Community & Regional Affairs

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

Major Fisheries and Coast Guard Bills Move Through Congress

Driftnet, Plastics Pollution Restrictions Signed Into Law

Congress has approved and the President has signed into law an omnibus package of legislation that I sponsored which affects the fishing industry in Alaska. Included in the bill are provisions which authorize the Governing International Fisheries Agreement (GIFA) between the U.S. and Japan, implement the Convention on Prevention of Pollution at Sea, reauthorize the Sea Grant Program, and implement controls on the use of high seas driftnets.

The Governing International Fisheries Agreement with Japan will run for two years, and will extend a number of joint ventures in the Kodiak area between Alaska fishermen and Japanese companies.

The bill combats the growing problem of ocean dumping of plastics. It implements Annex V of the International Convention for the Prevention of Pollution from Ships. Annex V prohibits the disposal of plastic garbage from ships anywhere in the sea, and establishes the distance from shore where the disposal of other types of garbage, such as glass, paper, and organic garbage, is prohibited.

The Sea Grant Program is also reauthorized under the legislation. This program has been in effect since the 1970's and has been responsible for important marine research activities. The University of Alaska is a Sea Grant University and receives funds under the program for research and academic instruction. The Alaska Marine Advisory Program is also funded under the Sea Grants.

The driftnet provisions in the bill require the Secretary of Commerce, acting through the Secretary of State, to enter into negotiations with those nations that allow their vessels to engage in driftnet fishing on the high seas in order to establish monitoring of those fisheries. The Secretary is also required to negotiate enforcement agreements with these nations. If these agreements are not negotiated and imple-

mented, the U.S. can embargo imports of fish from that nation.

I agree with many Alaska fishermen that this bill does not go far enough. In order to get any agreement, and the negotiations process started, however, we need the approval of many diverse interests. It is my personal intent to continue to seek ways to more closely control driftnet fishing on the high seas. I do not consider this bill to be the final chapter, but rather one more step in my effort to stop this tremendous waste of our marine resources, and eliminate the high seas interception of salmon.

The House also approved and sent to the Senate separate legislation which authorizes \$2.6 billion for the Coast Guard to carry out its fisheries enforcement, search and rescue, and drug interdiction missions.

The legislation includes two provisions which were added at my request. The first would authorize relocation assistance, similar to that extended to Department of Defense personnel, to Coast Guard employees in Alaska, and in particular Juneau, who were affected by the reorganization of support and logistics functions to Alameda, California. The Authorization also includes an extension of local hire provisions on Coast Guard contracts.

This Authorization should provide the funding levels necessary for the Coast Guard to carry out its critical missions in Alaska. The local hire and relocation assistance programs are very important to Alaska, and I will continue to work with Senators Stevens and Murkowski to see that they are included in the Senate version of the authorization.

This entire package of bills are important to a maritime state like Alaska. The plastics provisions will protect our coastline and marine mammals. The Sea Grant Program funds important research in the state, and the GIFA provides continued employment to a number of Alaska fishermen.

PUBLIC LAW 100-220—DEC. 29, 1987

**UNITED STATES-JAPAN FISHERY
AGREEMENT APPROVAL ACT OF 1987**

0-DEC. 29, 1987

PUBLIC LAW 100-220—DEC. 29, 1987

101 STAT. 1459

Subtitle A—National Sea Grant College Program Authorization

- Sec. 3101. Short title.
- Sec. 3102. Reference to the National Sea Grant College Program Act.
- Sec. 3103. Declaration of policy.
- Sec. 3104. Definitions.
- Sec. 3105. Contracts and grants.
- Sec. 3106. Sea grant strategic research program.
- Sec. 3107. Fellowships.
- Sec. 3108. Sea grant review panel.
- Sec. 3109. Marine affairs and resource management improvement grants.
- Sec. 3110. Authorization of appropriations.
- Sec. 3111. Sea grant international program.

Subtitle B—Great Lakes Mapping

- Sec. 3201. Short title.
- Sec. 3202. Great Lakes shoreline mapping plan.
- Sec. 3203. Preparation of Great Lakes shoreline maps.
- Sec. 3204. Contract authority.
- Sec. 3205. Definitions.
- Sec. 3206. Authorization of appropriations.

TITLE IV—DRIFTNET IMPACT MONITORING, ASSESSMENT, AND CONTROL

- Sec. 4001. Short title.
- Sec. 4002. Findings.
- Sec. 4003. Definitions.
- Sec. 4004. Monitoring agreements.
- Sec. 4005. Impact report.
- Sec. 4006. Enforcement agreements.
- Sec. 4007. Evaluations and recommendations.
- Sec. 4008. Construction with other laws.
- Sec. 4009. Authorization of appropriations.

TITLE V—RED TIDE CONTAMINATION

- Sec. 5001. Declaration of disaster.
- Sec. 5002. Provision of assistance.
- Sec. 5003. Recent North Carolina Coast red tide contamination, defined.

**TITLE I—APPROVAL OF GOVERNING
INTERNATIONAL FISHERY AGREEMENT
WITH JAPAN**

SEC. 1001. APPROVAL OF AGREEMENT.

Notwithstanding section 203 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1823), the governing international fishery agreement between the Government of the United States of America and the Government of Japan Concerning Fisheries Off the Coasts of the United States, as contained in the message to Congress from the President of the United States, dated November 17, 1987—

- (1) is approved by Congress as a governing international fishery agreement for the purposes of such Act; and
- (2) shall enter into force and effect with respect to the United States on the date of the enactment of this Act.

16 USC 1823
note.

erning International Fishery Agreement
implement the provisions of Annex V to
vention of Pollution from Ships, 1973; to
illegitimate Program Act; to improve efforts
reduce impacts of driftnets; and for other

*House of Representatives of the
113th Congress, 1st Session,
as assembled,*

United States-Japan Fishery Agree-

Provisions:

GOVERNING INTERNATIONAL FISHERY
AGREEMENT WITH JAPAN

RESEARCH AND CONTROL

Requirements.

Prevent Pollution From Ships

1. refuse record books; waste management
passengers.

Reports and Report

plastic pollution.
marine environment.
program.

New York Bight

SCIENCE, AND POLICY DEVELOPMENT

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

PUBLIC LAW 100-220—DEC. 29, 1987

**UNITED STATES-JAPAN FISHERY
AGREEMENT APPROVAL ACT OF 1987**

Public Law 100-220
100th Congress

An Act

Dec. 29, 1987

[H.R. 3674]

United States-
Japan Fishery
Agreement
Approval Act of
1987.
Environmental
protection.
16 USC 1801
note.

To provide congressional approval of the Governing International Fishery Agreement between the United States and Japan; to implement the provisions of Annex V to the International Convention for the Prevention of Pollution from Ships, 1973; to reauthorize the National Sea Grant College Program Act; to improve efforts to monitor, assess, and reduce the adverse impacts of driftnets; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-Japan Fishery Agreement Approval Act of 1987".

SEC. 2. TABLE OF CONTENTS.

The contents of this Act are as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—APPROVAL OF GOVERNING INTERNATIONAL FISHERY
AGREEMENT WITH JAPAN

Sec. 1001. Approval of agreement.

TITLE II—PLASTIC POLLUTION RESEARCH AND CONTROL

Sec. 2001. Short title.

Sec. 2002. Effective date.

Sec. 2003. Preemption; additional State requirements.

Subtitle A—Amendments to Act to Prevent Pollution From Ships

Sec. 2101. Definitions.

Sec. 2102. Application of Act.

Sec. 2103. Pollution reception facilities.

Sec. 2104. Violations.

Sec. 2105. Civil penalties.

Sec. 2106. Proposed amendments to protocol.

Sec. 2107. Administration and enforcement; refuse record books; waste management plans; notification of crew and passengers.

Sec. 2108. Compliance with international law.

Subtitle B—Studies and Report

Sec. 2201. Compliance reports.

Sec. 2202. EPA study of methods to reduce plastic pollution.

Sec. 2203. Effects of plastic materials on the marine environment.

Sec. 2204. Plastic pollution public education program.

Subtitle C—New York Bight

Sec. 2301. New York Bight restoration plan.

Sec. 2302. New York Bight plastic study.

Sec. 2303. Reports.

Sec. 2304. Definitions.

Sec. 2305. Authorization of appropriations.

TITLE III—MARINE SCIENCE, TECHNOLOGY, AND POLICY DEVELOPMENT

Sec. 3001. Short title.

DEC 29, 1987

PUBLIC LAW 100-220—DEC. 29, 1987

101 STAT. 1459

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16 USC 1823
note.

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OLOGY, AND POLICY DEVELOPMENT

Marine Plastic
Pollution
Research and
Control Act of
1987.
33 USC 1901
note.

TITLE II—PLASTIC POLLUTION RESEARCH AND CONTROL

SEC. 2001. SHORT TITLE.

This title may be cited as the "Marine Plastic Pollution Research and Control Act of 1987".

SEC. 2002. EFFECTIVE DATE.

(a) **IN GENERAL.**—Except as provided in subsections (b) and (c), this title shall be effective on the date on which Annex V to the International Convention for the Prevention of Pollution from Ships, 1973, enters into force for the United States.

(b) **EXCEPTIONS.**—Sections 2001, 2002, 2003, 2108, 2202, 2203, 2204, and subtitle C of this title shall be effective on the date of the enactment of this title.

(c) **ISSUANCE OF REGULATIONS.**—

(1) **IN GENERAL.**—The authority to prescribe regulations pursuant to this title shall be effective on the date of enactment of this title.

(2) **EFFECTIVE DATE OF REGULATIONS.**—Any regulation prescribed pursuant to this title shall not be effective before the effective date of the provision of this title under which the regulation is prescribed.

SEC. 2003. PREEMPTION; ADDITIONAL STATE REQUIREMENTS.

(a) **PREEMPTION.**—Except as specifically provided in this title, nothing in this title shall be interpreted or construed to supersede or preempt any other provision of Federal or State law, either statutory or common.

(b) **ADDITIONAL STATE REQUIREMENTS.**—Nothing in this title shall be construed or interpreted as preempting any State from imposing any additional requirements.

Subtitle A—Amendments to Act to Prevent Pollution From Ships

SEC. 2101. DEFINITIONS.

33 USC 1901.

Section 2 of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) is amended as follows:

(1) "(a)" is inserted after "Sec. 2.".

(2) Subsection (a)(1) (as redesignated) is amended to read as follows:

"(1) 'MARPOL Protocol' means the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, and includes the Convention;"

(3) Subsection (a)(2) (as redesignated) is amended by striking all after "and" the second time it appears and inserting in lieu thereof the following: "Annexes I, II, and V thereto, including any modification or amendments to the Convention, Protocols, or Annexes which have entered into force for the United States;"

(4) Subsection (a)(3) (as redesignated) is amended by inserting "and 'garbage'" after "discharge".

(5) The following is added at the end of section 2:

POLLUTION CONTROL

e. **Pollution Research**

subsections (b) and (c), this title, which Annex V to the Convention of Pollution from Ships, 1973.

2003, 2103, 2202, 2203, 2204, effective on the date of the

to prescribe regulations effective on the date of enactment

IONS.—Any regulation prescribed under this title under which the

REQUIREMENTS.

as provided in this title, or construed to supersede or modify any State law, either statute or regulation.

—Nothing in this title shall prevent any State from imposing

to Act to Prevent Pollution from Ships

33 U.S.C.

is amended to read as

the Protocol of 1978 relating to the Prevention of Pollution from Ships, 1973;

is amended by striking "and V" and inserting in lieu thereof "II, III, and V" thereto, including the Convention, Protocols, and Regulations, into force for the United States.

is amended by inserting

end of section 2:

"(b) For purposes of this Act, the requirements of Annex V shall apply to the navigable waters of the United States, as well as to all other waters and vessels over which the United States has jurisdiction."

SEC. 2102. APPLICATION OF ACT.

33 USC 1902.

(a) **IN GENERAL.**—Section 3(a) of the Act to Prevent Pollution from Ships is amended to read as follows:

"(a) This Act shall apply—

"(1) to a ship of United States registry or nationality, or one operated under the authority of the United States, wherever located;

"(2) with respect to Annexes I and II to the Convention, to a ship, other than a ship referred to in paragraph (1), while in the navigable waters of the United States;

"(3) with respect to the requirements of Annex V to the Convention, to a ship, other than a ship referred to in paragraph (1), while in the navigable waters or the exclusive economic zone of the United States; and

"(4) with respect to regulations prescribed under section 6 of this Act, any port or terminal in the United States."

(b) **EXCLUSIONS.**—Section 3(b) of the Act to Prevent Pollution from Ships is amended to read as follows:

"(b)(1) Except as provided in paragraph (2), this Act shall not apply to—

"(A) a warship, naval auxiliary, or other ship owned or operated by the United States when engaged in noncommercial service; or

"(B) any other ship specifically excluded by the MARPOL Protocol.

"(2)(A) Notwithstanding any provision of the MARPOL Protocol, and subject to subparagraph (B) of this paragraph, the requirements of Annex V to the Convention shall apply after 5 years after the effective date of this paragraph to a ship referred to in paragraph (1)(A).

"(B) This paragraph shall not apply during time of war or a declared national emergency."

(c) **REGULATIONS.**—Section 3(c) of the Act to Prevent Pollution from Ships is amended to read as follows:

"(c) The Secretary shall prescribe regulations applicable to the ships of a country not a party to the MARPOL Protocol, including regulations conforming to and giving effect to the requirements of Annex V as they apply under subsection (a) of section 3, to ensure that their treatment is not more favorable than that accorded ships that are parties to the MARPOL Protocol."

SEC. 2103. POLLUTION RECEPTION FACILITIES.

33 USC 1905.

(a) **DETERMINATION OF ADEQUACY OF FACILITIES.**—Section 6(a) of the Act to Prevent Pollution from Ships is amended—

(1) by inserting "(1)" immediately after "(a)";

(2) in subsection (a)(1), as so redesignated, by striking "reception facilities of a port or terminal" and inserting in lieu thereof the following: "a port's or terminal's reception facilities for mixtures containing oil or noxious liquid substances" and

(3) by adding at the end the following:

"(2) The Secretary, after consulting with appropriate Federal agencies, shall establish regulations setting criteria for deter-

Regulations.

mining the adequacy of reception facilities for garbage at a port or terminal, and stating such additional measures and requirements as are appropriate to ensure such adequacy. Persons in charge of ports and terminals shall provide reception facilities, or ensure that such facilities are available, for receiving garbage in accordance with those regulations."

33 USC 1905.

(b) CONSIDERATION OF NUMBER AND TYPES OF SHIPS.—Section 6(b) of the Act to Prevent Pollution from Ships is amended by striking "terminal," the first time it appears and inserting in lieu thereof the following: "terminal, and in establishing regulations under subsection (a) of this section," and by striking "seagoing ships" and inserting in lieu thereof the following: "ships or seagoing ships".

(c) CERTIFICATE ISSUANCE.—Section 6(c) of the Act to Prevent Pollution from Ships is amended to read as follows:

"(c)(1) If reception facilities of a port or terminal meet the requirements of Annex V to the Convention and the regulations prescribed under subsection (a)(1), the Secretary shall, after consultation with the Administrator of the Environmental Protection Agency, issue a certificate to that effect to the applicant.

"(2) If reception facilities of a port or terminal meet the requirements of Annex V to the Convention and the regulations prescribed under subsection (a)(2), the Secretary may, after consultation with appropriate Federal agencies, issue a certificate to that effect to the person in charge of the port or terminal.

"(3) A certificate issued under this subsection—

"(A) is valid until suspended or revoked by the Secretary for cause or because of changed conditions; and

"(B) shall be available for inspection upon the request of the master, other person in charge, or agent of a ship using or intending to use the port or terminal.

"(4) The suspension or revocation of a certificate issued under this subsection may be appealed to the Secretary and acted on by the Secretary in the manner prescribed by regulation."

(d) ENTRY DENIAL.—Section 6(e) of the Act to Prevent Pollution from Ships is amended—

(1) by inserting "(1)" immediately after "(e)";

(2) by striking "(1)" and inserting in lieu thereof "(A)";

(3) by striking "(2)" and inserting in lieu thereof "(B)";

(4) in subparagraph (A), as so redesignated, by striking "the MARPOL Protocol" and inserting in lieu thereof the following: "Annexes I and II of the Convention"; and

(5) by adding at the end the following:

"(2) The Secretary may deny the entry of a ship to a port or terminal required by regulations issued under this section to provide adequate reception facilities for garbage if the port or terminal is not in compliance with those regulations."

33 USC 1907.

SEC. 2104. VIOLATIONS.

(a) SHIP INSPECTIONS.—Section 8(c) of the Act to Prevent Pollution from Ships is amended by—

(1) striking "(1)" and inserting "(A)";

(2) striking "(2)" and inserting "(B)";

(3) inserting "(2)" immediately after "(c)";

(4) in the last sentence of paragraph (2) (as redesignated), striking "If a report made under this subsection involves a ship, other than one of United States registry or nationality or one

measures for garbage at a port and require such adequacy. Persons in provide reception facilities, available, for receiving gar-

Section 6(b) of the Act to Prevent Pollution from Ships is amended by striking and inserting in lieu thereof the following regulations under subsection (c) of the Act to Prevent Pollution from Ships:

(1) If a port or terminal does not meet the requirements and the regulations of this section, the Secretary shall, after consultation with the Administrator of the Environmental Protection Agency, issue a certificate to that port or terminal.

(2) If a port or terminal does not meet the requirements and the regulations of this section, the Secretary may, after consultation with the Administrator of the Environmental Protection Agency, issue a certificate to that port or terminal.

(3) If a port or terminal does not meet the requirements and the regulations of this section, the Secretary may, after consultation with the Administrator of the Environmental Protection Agency, issue a certificate to that port or terminal.

(4) If a port or terminal does not meet the requirements and the regulations of this section, the Secretary may, after consultation with the Administrator of the Environmental Protection Agency, issue a certificate to that port or terminal.

(5) If a port or terminal does not meet the requirements and the regulations of this section, the Secretary may, after consultation with the Administrator of the Environmental Protection Agency, issue a certificate to that port or terminal.

(6) If a port or terminal does not meet the requirements and the regulations of this section, the Secretary may, after consultation with the Administrator of the Environmental Protection Agency, issue a certificate to that port or terminal.

operated under the authority of the United States, the" and inserting "The"; and

(5) inserting before paragraph (2) (as redesignated) the following: "(1) This subsection applies to inspections relating to possible violations of Annex I or Annex II to the Convention by any seagoing ship referred to in section 3(a)(2) of this Act."

(b) SHIP INSPECTIONS OTHER THAN AT PORT OR TERMINAL.—Section 8 of the Act to Prevent Pollution from Ships is amended by redesignating subsection (d) as subsection (f) and inserting after subsection (c) the following:

"(d)(1) The Secretary may inspect a ship referred to in section 3(a)(3) of this Act to verify whether the ship has disposed of garbage in violation of Annex V to the Convention or this Act.

"(2) If an inspection under this subsection indicates that a violation has occurred, the Secretary may undertake enforcement action under section 9 of this Act.

"(e)(1) The Secretary may inspect at any time a ship of United States registry or nationality or operating under the authority of the United States to which the MARPOL Protocol applies to verify whether the ship has discharged a harmful substance or disposed of garbage in violation of that Protocol or this Act.

"(2) If an inspection under this subsection indicates that a violation of the MARPOL Protocol has occurred the Secretary may undertake enforcement action under section 9 of this Act."

SEC. 2105. CIVIL PENALTIES.

(a) PAYMENT FOR INFORMATION.—

(1) INFORMATION LEADING TO CONVICTION.—Section 9(a) of the Act to Prevent Pollution From Ships is amended by inserting after the first sentence the following: "In the discretion of the Court, an amount equal to not more than 1/2 of such fine may be paid to the person giving information leading to conviction."

(2) INFORMATION LEADING TO ASSESSMENT OF PENALTY.—Section 9(b) of the Act to Prevent Pollution From Ships is amended by adding at the end the following: "An amount equal to not more than 1/2 of such penalties may be paid by the Secretary to the person giving information leading to the assessment of such penalties."

(b) REFERENCE OF VIOLATION TO COUNTRY OF REGISTRY OR NATIONALITY.—Section 9(f) of the Act to Prevent Pollution from Ships is amended by striking "to that country" and inserting "to the government of the country of the ship's registry or nationality, or under whose authority the ship is operating".

SEC. 2106. PROPOSED AMENDMENTS TO PROTOCOL.

Section 10 of the Act to Prevent Pollution from Ships is amended—

(1) in subsection (a), by striking "Inter-Governmental Maritime Consultative Organization" and inserting "International Maritime Organization"; and

(2) in subsection (b), by striking "Annex I or II, appendices to the Annexes, or Protocol I of the MARPOL Protocol," and inserting "Annex I, II, or V to the Convention, appendices to those Annexes, or Protocol I of the Convention", and by striking "Inter-Governmental Maritime Consultative Organization" and inserting "International Maritime Organization".

33 USC 1907.

33 USC 1908.

International organizations. 33 USC 1909.

33 USC 1903.

SEC. 2107. ADMINISTRATION AND ENFORCEMENT; REFUSE RECORD BOOKS; WASTE MANAGEMENT PLANS; NOTIFICATION OF CREW AND PASSENGERS.

(a) ADMINISTRATION AND ENFORCEMENT, GENERALLY.—Section 4(a) of the Act to prevent pollution from ships is amended to read as follows:

“(a) Unless otherwise specified in this Act, the Secretary shall administer and enforce the MARPOL Protocol and this Act. In the administration and enforcement of the MARPOL Protocol and this Act, Annexes I and II of the Convention apply only to seagoing ships.”

(b) REFUSE RECORD BOOKS; WASTE MANAGEMENT PLANS; NOTIFICATION OF CREW AND PASSENGERS.—Section 4(b) of the Act to Prevent Pollution from Ships is amended by—

- (1) inserting “(1)” after “(b)”; and
- (2) adding at the end the following:

“(2) The Secretary of the department in which the Coast Guard is operating shall—

Regulations.

“(A) within 1 year after the effective date of this paragraph, prescribe regulations which—

- “(i) require certain ships described in section 3(a)(1) to maintain refuse record books and shipboard management plans, and to display placards which notify the crew and passengers of the requirements of Annex V to the Convention; and
- “(ii) specify the ships described in section 3(a)(1) to which the regulations apply;

International agreements.

“(B) seek an international agreement or international agreements which apply requirements equivalent to those described in subparagraph (A)(i) to all vessels subject to Annex V to the Convention; and

Reports.

“(C) within 2 years after the effective date of this paragraph, report to the Congress—

- “(i) regarding activities of the Secretary under subparagraph (B); and
- “(ii) if the Secretary has not obtained agreements pursuant to subparagraph (B) regarding the desirability of applying the requirements described in subparagraph (A)(i) to all vessels described in section 3(a) which call at United States ports.”

SEC. 2108. COMPLIANCE WITH INTERNATIONAL LAW.

The Act to Prevent Pollution from Ships is amended by adding at the end the following:

33 USC 1912.

“Sec. 17. Any action taken under this Act shall be taken in accordance with international law.”

Subtitle B—Studies and Report

33 USC 1902 note.

SEC. 2201. COMPLIANCE REPORTS.

(a) IN GENERAL.—Within 1 year after the effective date of this section, and biennially thereafter for a period of 6 years, the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Agriculture and the Secretary of Commerce, shall report to the Congress regarding compliance with

Annex V
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Annex V to the International Convention for the Prevention of Pollution from Ships, 1973, in United States waters.

(b) **REPORT ON INABILITY TO COMPLY.**—Within 3 years after the effective date of this section, the head of each Federal agency that operates or contracts for the operation of any ship referred to in section 3(b)(1)(A) of the Act to Prevent Pollution from Ships that may not be able to comply with the requirements of that section shall report to the Congress describing—

Contracts.

(1) the technical and operational impediments to achieving that compliance;

(2) an alternative schedule for achieving that compliance as rapidly as is technologically feasible;

(3) the ships operated or contracted for operation by the agency for which full compliance with section 3(b)(2)(A) is not technologically feasible; and

(4) any other information which the agency head considers relevant and appropriate.

(c) **CONGRESSIONAL ACTION.**—Upon receipt of the compliance report under subsection (b), the Congress shall modify the applicability of Annex V to ships referred to in section 3(b)(1)(A) of the Act to Prevent Pollution from Ships, as may be appropriate with respect to the requirements of Annex V to the Convention.

SEC. 2202. EPA STUDY OF METHODS TO REDUCE PLASTIC POLLUTION.

42 USC 6981
note.

(a) **IN GENERAL.**—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Commerce, shall commence a study of the adverse effects of the improper disposal of plastic articles on the environment and on waste disposal, and the various methods to reduce or eliminate such adverse effects.

(b) **SCOPE OF STUDY.**—A study under this section shall include the following:

Wildlife.
Safety.

(1) A list of improper disposal practices and associated specific plastic articles that occur in the environment with sufficient frequency to cause death or injury to fish or wildlife, affect adversely the habitat of fish or wildlife, contribute significantly to aesthetic degradation or economic losses in coastal and waterfront areas, endanger human health or safety, or cause other significant adverse impacts.

(2) A description of specific statutory and regulatory authority available to the Administrator of the Environmental Protection Agency, and the steps being taken by the Administrator, to reduce the amount of plastic materials that enter the marine and aquatic environment.

(3) An evaluation of the feasibility and desirability of substitutes for those articles identified under paragraph (1), comparing the environmental and health risks, costs, disposability, durability, and availability of such substitutes.

(4) An evaluation of the impacts of plastics on the solid waste stream relative to other solid wastes, and methods to reduce those impacts, including recycling.

(5) An evaluation of the impact of plastics on the solid waste stream relative to other solid wastes, and methods to reduce those impacts, including—

(A) the status of a need for public and private research to develop and market recycled plastic articles;

(B) methods to facilitate the recycling of plastic materials by identifying types of plastic articles to aid in their sorting.

and by standardizing types of plastic materials, taking into account trade secrets and protection of public health;

(C) incentives, including deposits on plastic containers, to increase the supply of plastic material for recycling and to decrease the amount of plastic debris, especially in the marine environment;

(D) the effect of existing tax laws on the manufacture and distribution of virgin plastic materials as compared with recycled plastic materials; and

(E) recommendations on incentives and other measures to promote new uses for recycled plastic articles and to encourage or require manufacturers of plastic articles to consider re-use and recycling in product design.

(6) An evaluation of the feasibility of making the articles identified under paragraph (1) from degradable plastics materials, taking into account—

(A) the risk to human health and the environment that may be presented by fragments of degradable plastic articles and the properties of the end-products of the degradation, including biotoxicity, bioaccumulation, persistence, and environmental fate;

(B) the efficiency and variability of degradation due to differing environmental and biological conditions; and

(C) the cost and benefits of using degradable articles, including the duration for which such articles were designed to remain intact.

(c) CONSULTATION.—In carrying out the study required by this section, the Administrator shall consult with the heads of other appropriate Federal agencies, representatives of affected industries, consumer and environment interest groups, and the public.

(d) REPORT.—Within 18 months after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency shall report to the Congress the results of the study required by this section, including recommendations in connection therewith.

SEC. 2203. EFFECTS OF PLASTIC MATERIALS ON THE MARINE ENVIRONMENT.

Reports.

Not later than September 30, 1988, the Secretary of Commerce shall submit to the Congress a report on the effects of plastic materials on the marine environment. The report shall—

(1) identify and quantify the harmful effects of plastic materials on the marine environment;

(2) assess the specific effects of plastic materials on living marine resources in the marine environment;

(3) identify the types and classes of plastic materials that pose the greatest potential hazard to living marine resources;

(4) analyze, in consultation with the Director of the National Bureau of Standards, plastic materials which are claimed to be capable of reduction to environmentally benign submits under the action of normal environmental forces (including biological decomposition, photodegradation, and hydrolysis); and

(5) recommend legislation which is necessary to prohibit, tax, or regulate sources of plastic materials that enter the marine environment.

SEC. 2204. PLASTIC POLLUTION PUBLIC EDUCATION PROGRAM.

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of degradation due to such conditions; and the use of such articles, such articles were de-

study required by this section, the heads of other departments of affected industries, and the public.

before the enactment of this Act, the Administrator of the Environmental Protection Agency shall conduct a study required by this section therewith.

SECTION 2301. NEW YORK BIGHT RESTORATION PLAN.

The Secretary of Commerce shall study the effects of plastic materials on living resources of the New York Bight and other areas that are being adversely affected by such pollutant inputs; and the Secretary shall determine the extent to which it is necessary to prohibit, tax, or otherwise regulate the use of such materials that enter the marine

NEW YORK BIGHT RESTORATION PROGRAM.

(1) **IN GENERAL.**—Not later than April 1, 1988, the Administrator of the National Oceanic and Atmospheric Administration and the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall jointly commence and thereafter conduct for a period of at least 3 years, a public outreach program to educate the public (including recreational boaters, fishermen, and other users of the marine environment) regarding—

(A) the harmful effects of plastic pollution;

(B) the need to reduce such pollution;

(C) the need to recycle plastic materials; and

(D) the need to reduce the quantity of plastic debris in the marine environment.

(2) **AUTHORIZED ACTIVITIES.**—A public outreach program under paragraph (1) may include—

(A) workshops with interested groups;

(B) public service announcements;

(C) distribution of leaflets and posters; and

(D) any other means appropriate to educating the public.

(b) **CITIZEN POLLUTION PATROLS.**—The Secretary of Commerce, along with the Administrator of the Environmental Protection Agency and the Secretary of the Department in which the Coast Guard is operating, shall conduct a program to encourage the formation of volunteer groups, to be designated as "Citizen Pollution Patrols", to assist in monitoring, reporting, cleanup, and prevention of ocean and shoreline pollution.

Voluntarism.

Subtitle C—New York Bight

33 USC 2267 note.

SEC. 2301. NEW YORK BIGHT RESTORATION PLAN.

(a) **IN GENERAL.**—Within 3 years after the effective date of this section, the Administrator, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and other Federal, State, and interstate agencies, shall prepare a New York Bight Restoration Plan. In preparing such plan, the Administrator shall seek the views and comments of interested persons and hold public hearings in States to be affected by the plan. The first such public hearing shall occur not later than 8 months after the effective date of this section.

State and local governments.

(b) **SCOPE OF PLAN.**—The New York Bight Restoration Plan prepared under subsection (a) shall, at a minimum—

(1) identify and assess the impact of pollutant inputs, such as treated and untreated sewage discharge, industrial outfalls, agricultural and urban runoff, storm sewer overflow, upstream contaminant sources, atmospheric fallout, and dumping, that are affecting the water quality and marine resources of the New York Bight;

(2) identify those uses in the New York Bight and other areas that are being adversely affected by such pollutant inputs;

(3) determine the fate of the contaminants from such pollutant inputs and their effect on human health and the marine environment;

(4) identify technologies and management practices necessary for controlling such pollutant inputs;

(5) identify the costs of implementing such technologies and practices and any impediments to such implementation;

(6) devise a schedule of economically feasible projects to implement such technologies and practices and to remove such impediments;

State and local governments.

(7) develop recommendations for funding and coordinating the various Federal, State, and local government programs necessary to implement the projects referred to in paragraph (6); and

(8) comprehensively assess alternatives to dumping of municipal sludge and the burning of timber in the New York Bight.

SEC. 2302. NEW YORK BIGHT PLASTIC STUDY.

Reports.

The Administrator shall conduct a study of problems associated with plastic debris in the New York Bight, with specific attention to the effect of such debris on beaches, marine life, the environment, and coastal waters, and shall report to the Congress within 6 months after the effective date of this section with recommendations for the elimination of the threats posed by such plastic debris.

SEC. 2303. REPORTS.

(a) SCHEDULE FOR PRELIMINARY REPORTS AND RESTORATION PLAN.—Not later than 6 months after the effective date of this section, the Administrator shall submit to the Congress a detailed schedule (including associated funding requirements) for completing preliminary reports and the New York Bight Restoration Plan under this subtitle.

(b) PRELIMINARY REPORT ON ALTERNATIVES.—Not later than the earlier of January 1, 1990, or the date of any decision by the Administrator affecting the redesignation of the 106-mile Ocean Waste Dump site for municipal sludge or the designation of any additional municipal sludge dump site, the Administrator shall submit to the Congress a preliminary report assessing alternatives to the ocean dumping of municipal sludge.

(c) PRELIMINARY REPORT ON POLLUTANT INPUTS.—Not later than 1 year after the effective date of this section, the Administrator shall submit to the Congress a preliminary report on the examinations required under section 2301(b)(1), (b)(2), and (b)(3).

(d) PRELIMINARY REPORT ON CONTROL MEASURES.—Not later than 2 years after the effective date of this section, the Administrator shall submit to the Congress a preliminary report on the examinations required under section 2301(b)(4), (b)(5), (b)(6), and (b)(7).

(e) SUBMISSION OF RESTORATION PLAN TO CONGRESS.—Not later than 3 years after the effective date of this section, the Administrator shall submit to the Congress the New York Bight Restoration Plan prepared under section 2301.

SEC. 2304. DEFINITIONS.

For purposes of this subtitle—

(1) NEW YORK BIGHT.—The term "New York Bight" means an area comprised of the Hudson-Raritan Estuary and waters of the Atlantic Ocean.—

(A) west of Montauk, Long Island, New York (71 degrees, 50 minutes west longitude);

(B) north of Cape May, New Jersey; and

(C) extending seaward to the edge of the Continental Shelf.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

SEC. 2305. AUTHOR

There are authorized more than \$3,000,000 for the fiscal years 1988, 1989

TITLE III
POLICY DEVELOPMENT

SEC. 3001. SHORT TITLE

This title may be referred to as the "Policy Development Act of 1987"

Subtitle

SEC. 3101. SHORT TITLE

This subtitle may be referred to as the "Program Authorization Act of 1987"

SEC. 3102. REFERENCE TO OTHER LAWS

Unless otherwise provided, the term "this Act" shall be considered to include any provision of the Act of October 3, 1972 (96 Stat. 1121 et seq.).

SEC. 3103. DECLARATION OF POLICY

Section 202 (3)

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SEC. 2305. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator not more than \$3,000,000 for carrying out this subtitle during fiscal years 1988, 1989, and 1990.

TITLE III—MARINE SCIENCE, TECHNOLOGY, AND POLICY DEVELOPMENT

Marine Science, Technology, and Policy Development Act of 1987. 33 USC 1121 note.

SEC. 3001. SHORT TITLE.

This title may be cited as the "Marine Science, Technology, and Policy Development Act of 1987".

Subtitle A—National Sea Grant College Program Authorization

National Sea Grant College Program Authorization Act of 1987. 33 USC 1121 note. Education, Research and development.

SEC. 3101. SHORT TITLE.

This subtitle may be cited as the "National Sea Grant College Program Authorization Act of 1987".

SEC. 3102. REFERENCE TO THE NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Unless otherwise provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a title, section, subsection, or other provision, the reference shall be considered to be made to a title, section, subsection, or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

SEC. 3103. DECLARATION OF POLICY.

Section 202 (33 U.S.C. 1121) is amended as follows:

(1) Subsection (a) is amended—

(A) by redesignating paragraphs (1), (2), and (3) as paragraphs (4), (5), and (6), respectively; and

(B) by inserting before paragraph (4) (as redesignated) the following:

"(1) The national interest requires a strategy to—

"(A) provide for the understanding and wise use of ocean, coastal, and Great Lakes resources and the environment;

"(B) foster economic competitiveness;

"(C) promote public stewardship and wise economic development of the coastal ocean and its margins, the Great Lakes, and the exclusive economic zone;

"(D) understand global environmental processes; and

"(E) promote domestic and international cooperative solutions to ocean, coastal, and Great Lakes issues.

"(2) Investment in a strong program of research, education, training, technology transfer, and public service is essential for this strategy.

"(3) The expanding use and development of ocean, coastal, and Great Lakes resources resulting from growing coastal area populations and the increasing pressures on the coastal and Great Lakes environment challenge the ability of the United States to manage such resources wisely."

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(2) Such section (b) is amended by striking "ocean and coastal resources" and all that follows through the end of such subsection and inserting in lieu thereof the following: "ocean, coastal, and Great Lakes resources by providing assistance to promote a strong educational base, responsive research and training activities, broad and prompt dissemination of knowledge and techniques, and multidisciplinary approaches to environmental problems."

SEC. 3104. DEFINITIONS.

(a) IN GENERAL.—Section 203 (33 U.S.C. 1122) is amended—

(1) by striking paragraph (2);

(2) by renumbering paragraph (3) as paragraph (2) and inserting immediately thereafter the following:

"(3) the term 'director of a sea grant college' means a person designated by their university or institution to direct a sea grant college, programs, or regional consortium.";

(3) by striking paragraphs (6) and (7) and inserting in lieu thereof the following:

"(6) The term 'ocean, coastal, and Great Lakes resources' means the resources that are located in, derived from, or traceable to, the seabed, subsoil, and waters of—

"(A) the coastal zone, as defined in section 304(1) of the Coastal Zone Management Act (16 U.S.C. 1453(1));

"(B) the Great Lakes;

"(C) the territorial sea;

"(D) the exclusive economic zone;

"(E) the Outer Continental Shelf; and

"(F) the high seas.

"(7) The term 'resource' means—

"(A) living resources (including natural and cultured plant life, fish, shellfish, marine mammals, and wildlife);

"(B) nonliving resources (including energy sources, minerals, and chemical substances);

"(C) the habitat of a living resource, the coastal space, the ecosystems, the nutrient-rich areas, and the other components of the marine environment that contribute to or provide (or which are capable of contributing to or providing) recreational, scenic, esthetic, biological, habitational, commercial, economic, or conservation values; and

"(D) man-made, tangible, intangible, actual, or potential resources."; and

(4) by adding at the end the following:

"(15) The term 'Under Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere."

(b) CONFORMING AMENDMENTS RELATING TO GREAT LAKES RESOURCES.—

(1) Each of the following provisions of the National Sea Grant College Program Act are amended by striking "ocean and coastal resources" each place it appears and inserting in lieu thereof "ocean, coastal, and Great Lakes resources":

(A) Paragraphs (4) and (5) of section 202(a) (as redesignated by section 3103(1)(A) of this subtitle).

(B) Section 202(c).

(C) Paragraphs (4) and (11) of section 203.

(D) Sections (b)(1)(A) and (d)(3) of section 204.

(E) Paragraphs (2)(A) and (3) (A) and (B) of section 207(a).

33 USC 1121.

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(F) Paragraph (1) of section 209(c).

33 USC 1128.

(G) Section 210.

33 USC 1129.

(2) Paragraph (5) of section 204(c) is amended by striking "ocean and coastal resource" and inserting in lieu thereof "ocean, coastal, and Great Lakes resources".

33 USC 1123.

(c) CONFORMING AMENDMENTS RELATING TO UNDER SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE.—Section 204(c) is amended by striking "Administrator" each place it appears and inserting in lieu thereof "Under Secretary".

SEC. 3105. CONTRACTS AND GRANTS.

(a) MINIMIZATION OF PRIOR APPROVAL REQUIREMENTS.—Section 205 (33 U.S.C. 1124) is amended by adding at the end of subsection (d)(1) the following: "Terms, conditions, and requirements imposed by the Secretary under this paragraph shall minimize any requirement of prior Federal approval."

(b) ACCEPTANCE OF FUNDS FROM OTHER FEDERAL AGENCIES.—Section 204(d)(6) is amended by striking "under section 205(a)".

SEC. 3106. SEA GRANT STRATEGIC RESEARCH PROGRAM.

(a) IN GENERAL.—Section 206 (33 U.S.C. 1125) is amended to read as follows:

"SEC. 206. STRATEGIC MARINE RESEARCH PROGRAM.

"(a) GRANT AND CONTRACT AUTHORITY.—The Under Secretary may make grants and enter into contracts to carry out the strategic research program provided for under this section. A grant or contract may cover up to 100 percent of the cost of the research for which the grant or contract is made or awarded.

"(b) STRATEGIC RESEARCH PLAN.—Within 1 year after the effective date of the Marine Science, Technology, and Policy Development Act of 1987, and every 3 years after that date, the Under Secretary shall develop and publish in the Federal Register, a sea grant strategic research plan for the next 3 years. The plan shall—

Federal
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"(1) identify and describe a limited number of priority areas for strategic research in fields associated with ocean, coastal, and Great Lakes resources; and

"(2) indicate the goals and timetables for the research in those fields.

"(c) CONSULTATION AND CONGRESSIONAL REVIEW.—

"(1) CONSULTATION.—In developing each sea grant strategic research plan, the Under Secretary shall consult with relevant Federal agencies; sea grant directors; other representatives of sea grant colleges, sea grant programs, and sea grant regional consortia; non-governmental marine scientists; and other interested parties, both public and private.

"(2) SUBMITTAL TO CONGRESS.—Upon publication of each sea grant strategic research plan under subsection (b), the Under Secretary shall submit the plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives.

"(3) RESTRICTION ON GRANTS AND CONTRACTS.—The Under Secretary shall not make a grant or enter into a contract under this section for priority area research under a strategic research plan before the 45th day after the date of receipt of the plan by the Committees referred to in paragraph (2).

"(d) CRITERIA FOR AREAS TO BE INCLUDED IN PLAN.—In selecting priority areas for inclusion in the sea grant strategic research plan, the Under Secretary shall concentrate on—

"(1) critical resource and environmental areas that are precluded from adequate funding under other provisions of this Act because of—

"(A) their national, international, or global scope, fundamental nature, or long-range aspects;

"(B) the scale of the needed research effort; or

"(C) the need for the broadest possible university involvement; and

"(2) areas where the strength and capabilities of the sea grant colleges, sea grant programs, and sea grant regional consortia in mobilizing talent for sustained programmatic research and technology transfer make them particularly qualified to manage strategic marine research under this section.

"(e) CONTRACT AND GRANT REQUIREMENTS.—Subsections (c) and (d) of section 205 apply to applications for grants or contracts, and to grants made and contracts entered into, under this section.

(b) REGULATIONS.—Within 1 year after the effective date of this title, the Under Secretary of Commerce for Oceans and Atmosphere shall adopt rules and regulations in accordance with section 553 of title 5, United States Code, to carry out section 206(a), after giving notice and opportunity for full participation by relevant Federal agencies; State agencies; local governments; regional organizations; nongovernmental marine scientists; sea grant directors and other representatives of sea grant colleges, programs, and regional consortia; and other interested parties, both public and private.

SEC. 3107. FELLOWSHIPS.

Section 208 (33 U.S.C. 1127) is amended to read as follows:

"SEC. 208. FELLOWSHIPS.

"(a) IN GENERAL.—To carry out the educational and training objectives of this Act, the Under Secretary shall support a program of fellowships for qualified individuals at the graduate and postgraduate level. The fellowships shall be related to ocean, coastal, and Great Lakes resources and awarded pursuant to guidelines established by the Under Secretary.

"(b) DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.—The Under Secretary may award marine policy fellowships to support the placement of individuals at the graduate level of education in fields related to ocean, coastal and Great Lakes resources in positions with the executive and legislative branches of the United States Government. A fellowship awarded under this subsection shall be for a period of not more than 1 year.

"(c) POSTDOCTORAL FELLOWSHIPS.—The Under Secretary shall establish and administer a program of postdoctoral fellowships to accelerate research in critical subject areas. The fellowship awards—

"(1) shall be for 2 years;

"(2) may be renewed once for not more than 2 years;

"(3) shall be awarded on a nationally competitive basis;

"(4) may be used at any institution of post-secondary education involved in the national sea grant college program;

"(5) shall be for up to 100 percent of the total cost of the fellowship;

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“(6) may be made for any of the priority areas of research identified in the sea grant strategic research plan in effect under section 206; and

“(7) may be made to recipients of terminal professional degrees, as well as doctoral degree recipients.”

SEC. 3108. SEA GRANT REVIEW PANEL.

Section 209 (33 U.S.C. 1128) is amended as follows:

(1) Subsection (b) is amended—

(A) by striking the matter preceding paragraph (1) and inserting “The Panel shall advise the Secretary, the Under Secretary, and the Director concerning—”; and

(B) by inserting “and section 3 of the Sea Grant Program Improvement Act of 1976” before the semicolon at the end of subsection (b)(1).

(2) Subsection (c) is amended—

(A) by striking the second sentence of paragraph (1) and inserting in lieu thereof the following: “The Director and a director of a sea grant program who is elected by the various directors of sea grant programs shall serve as nonvoting members of the panel.”;

(B) by striking “five” in paragraph (1) and inserting in lieu thereof “8”;

(C) by adding at the end of paragraph (2) the following: “At least once each year, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the panel.”; and

(D) by striking “office, or until 90 days after such date, whichever is earlier.” in paragraph (3) and inserting in lieu thereof “office.”.

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SEC. 3109. MARINE AFFAIRS AND RESOURCE MANAGEMENT IMPROVEMENT GRANTS.

Section 211 (33 U.S.C. 1130) is amended to read as follows:

“SEC. 211. MARINE AFFAIRS AND RESOURCE MANAGEMENT IMPROVEMENT GRANTS.

“(a) IN GENERAL.—The Under Secretary may provide annual grants during fiscal years 1988 through 1990 to institutions eligible under subsection (b) to assist the institutions in achieving the following objectives:

“(1) Development and improvement of curriculum offerings in marine affairs and resource management at the graduate level, and development of related educational materials.

“(2) Fostering support of graduate students, through scholarships and teaching and research fellowships, in marine affairs and resource management.

“(3) Increasing multidisciplinary research in marine resources management.

“(b) ELIGIBILITY.—An institution is eligible for grants under this section if it is a sea grant college, sea grant regional consortium, or institution of higher education having a sea grant program that—

“(1) maintains a graduate program in, or institute or center for, marine affairs and resource management;

“(2) has prepared a development plan to improve and strengthen that program, institute, or center; and

"(3) has demonstrated, to the extent consistent with State law, its intention to support such improved and strengthened education and training after financial assistance under this section has ceased.

"(c) APPLICATIONS.—Applications for grants under this section shall be made in such manner as the Under Secretary shall require.

"(d) LIMITATIONS ON GRANTS.—No grant in excess of \$400,000 may be made to an eligible institution under this section for any year, and no more than 2 annual grants may be made to any such institution.

"(e) REPORT BY GRANT RECIPIENT.—Each institution receiving a grant under this subsection shall report to the Under Secretary, in such manner as the Under Secretary may require annually, and within 90 days following the termination of the grant, regarding the activities conducted with the grant."

SEC. 3110. AUTHORIZATION OF APPROPRIATIONS.

Section 212 (33 U.S.C. 1131) is amended to read as follows:

"SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated to carry out the provisions of this Act other than sections 206 and 211, an amount—

- "(1) for fiscal year 1988, not to exceed \$41,500,000;
- "(2) for fiscal year 1989, not to exceed \$50,500,000; and
- "(3) for fiscal year 1990, not to exceed \$51,000,000.

"(b) STRATEGIC MARINE RESEARCH.—There is authorized to be appropriated to carry out section 206 and section 208(c), an amount—

- "(1) for fiscal year 1988, not to exceed \$500,000;
- "(2) for fiscal year 1989, not to exceed \$5,000,000; and
- "(3) for fiscal year 1990, not to exceed \$10,000,000.

"(c) MARINE AFFAIRS AND RESOURCE MANAGEMENT GRANTS.—There is authorized to be appropriated to carry out section 211, an amount—

- "(1) for fiscal year 1988, not to exceed \$2,000,000;
- "(2) for fiscal year 1989, not to exceed \$2,500,000; and
- "(3) for fiscal year 1990, not to exceed \$3,000,000.

"(d) AVAILABILITY OF SUMS.—Sums appropriated pursuant to this section shall remain available until expended.

"(e) REVERSION OF UNOBLIGATED AMOUNTS.—The amount of any grant, or portion of a grant, made to a person under any section of this Act that is not obligated by that person during the first fiscal year for which it was authorized to be obligated or during the next fiscal year thereafter shall revert to the Secretary. The Secretary shall add that reverted amount to the funds available for grants under the section for which the reverted amount was originally made available."

SEC. 3111. SEA GRANT INTERNATIONAL PROGRAM.

Section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a) is amended to read as follows:

"SEC. 3. SEA GRANT INTERNATIONAL PROGRAM.

"(a) IN GENERAL.—The Under Secretary of Commerce for Oceans and Atmosphere may enter into contracts and make grants under this section to—

Contracts.

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"(4) pror foreign na assessment resources;

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"(b) ELIGIBLI college, sea gr any institution institution, lab defined in sect gram Act (33 U assistance unde rules and regul carry out this s contract under the Secretary under this sec National Sea C (4)) and to any sider: necessar

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SEC. 3201. SHORT

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SEC. 3202. GREAT

(a) PREPARAT date of the ena with the Direc

not consistent with State approved and strengthened assistance under this section under this section Secretary shall require. In excess of \$400,000 may be made to any such institution receiving a grant from the Under Secretary, in accordance with the requirements of this section, and the grant, regarding the

as follows:
 be appropriated to carry out sections 206 and 211, an

\$1,500,000;
 \$50,500,000; and
 \$51,000,000.
 there is authorized to be appropriated under section 208(c), an
 \$500,000;
 \$5,000,000; and
 \$10,000,000.

MANAGEMENT GRANTS.—
 carry out section 211, an
 \$2,000,000;
 \$2,500,000; and
 \$3,000,000.

appropriated pursuant to this section.
 (b) The amount of any grant made under any section of this subtitle during the first fiscal year beginning on or after the date of the enactment of this Act shall be available for grants under this subtitle in the amount originally

Commerce for Oceans and make grants under

"(1) enhance cooperative international research and educational activities on ocean, coastal and Great Lakes resources;

"(2) promote shared marine activities with universities in countries with which the United States has sustained mutual interest in ocean, coastal, and Great Lakes resources;

"(3) encourage technology transfer that enhances wise use of ocean, coastal, and Great Lakes resources in other countries and in the United States;

"(4) promote the exchange among the United States and foreign nations of information and data with respect to the assessment, development, utilization, and conservation of such resources;

"(5) use the national sea grant college program as a resource in other Federal civilian agency international initiatives whose purposes are fundamentally related to research, education, technology transfer and public service programs concerning the understanding and wise use of ocean, coastal, and Great Lakes resources; and

"(6) enhance regional collaboration between foreign nations and the United States with respect to marine scientific research, including activities which improve understanding of global oceanic and atmospheric processes, undersea minerals resources within the exclusive economic zone, and productivity and enhancement of living marine resources in—

- "(A) the Caribbean and Latin American regions;
- "(B) the Pacific Islands region;
- "(C) the Arctic and Antarctic regions;
- "(D) the Atlantic and Pacific Oceans; and
- "(E) the Great Lakes.

Caribbean.
 Latin America.
 Pacific Islands.
 Arctic and Antarctic.
 Atlantic Ocean.
 Pacific Ocean.
 Great Lakes.

(b) ELIGIBILITY, PROCEDURES, AND REQUIREMENTS.—Any sea grant college, sea grant program or sea grant regional consortium, and any institution of higher education, laboratory, or institute (if the institution, laboratory, or institute is located within a State, as defined in section 203(14) of the National Sea Grant College Program Act (33 U.S.C. 1122(14)), may apply for and receive financial assistance under this section. The Under Secretary shall prescribe rules and regulations, in consultation with the Secretary of State, to carry out this section. Before approving an application for a grant or contract under this section, the Under Secretary shall consult with the Secretary of State. A grant made, or contract entered into, under this section is subject to section 205(d) (2) and (4) of the National Sea Grant College Program Act (33 U.S.C. 1124(d) (2) and (4)) and to any other requirements that the Under Secretary considers necessary and appropriate."

Contracts.

Subtitle B—Great Lakes Mapping

Great Lakes Shoreline Mapping Act of 1987.
 33 USC 883a note.

SEC. 3201. SHORT TITLE.

This subtitle may be cited as the "Great Lakes Shoreline Mapping Act of 1987".

SEC. 3202. GREAT LAKES SHORELINE MAPPING PLAN.

33 USC 883a note.

(a) **PREPARATION OF PLAN.**—Not later than nine months after the date of the enactment of this subtitle, the Director, in consultation with the Director of the United States Geological Survey, shall

submit to the Congress a plan for preparing maps of the shoreline of the Great Lakes under section 3203.

(b) **CONTENT OF PLAN.**—A plan prepared under paragraph (1) shall include—

- (1) a work proposal and a division of responsibilities between the National Oceanic and Atmospheric Administration and the United States Geological Survey;
- (2) a time schedule for completion of maps;
- (3) recommendation of funding needed for preparing the maps; and
- (4) an area mapping schedule, with first priority given to shoreline areas subject to a high risk of erosion or flooding.

SEC. 3203. PREPARATION OF GREAT LAKES SHORELINE MAPS.

(a) **IN GENERAL.**—The following completion of a shoreline mapping plan under section 3202 and subject to authorization and appropriation of funds, the Director, in consultation with the Director of the United States Geological Survey, shall prepare maps of the shoreline areas of the Great Lakes.

(b) **CONTENT OF MAPS.**—Maps prepared under this section—

(1) shall include—

- (A) bathymetry of the nearshore area, to the extent that this area will affect coastal erosion and flooding;
- (B) topography of the adjacent shoreline, to the extent that this area will directly affect or be affected by coastal erosion and flooding;
- (C) the geological conditions of the nearshore area and shoreline to the extent that these areas will directly affect or be affected by coastal erosion and flooding;
- (D) information on the recent geological past of the nearshore area and shoreline areas described in paragraph (3); and

(E) appropriate information for use in predicting and preventing damage caused by erosion and flooding in the Great Lakes;

(2) shall be of appropriate scale and detail and take into account the greater informational needs of areas subject to a high risk of erosion or flooding; and

(3) to the maximum extent practicable, shall be consistent with similar shoreline maps prepared by, or for the use of, the Government of Canada.

(c) **CONSULTATION.**—In preparing maps under this section, the Director shall consult with, and take into consideration, the informational needs of—

- (1) the Army Corps of Engineers;
- (2) the Federal Emergency Management Agency;
- (3) other appropriate Federal agencies;
- (4) the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin;
- (5) appropriate local government units; and
- (6) the general public.

(d) **AVAILABILITY OF MAPS.**—The Director shall make maps prepared under this section available to—

- (1) Federal agencies;
- (2) State governments;
- (3) local government units;
- (4) the Government of Canada; and

Canada.

State and local governments.

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(5) the general public.
...; (e) **RECOVERY OF COSTS.**—The costs of reproducing and distributing
...maps prepared under this section may be recovered under section
...9701 of title 31, United States Code, or another law.

SEC. 3204. CONTRACT AUTHORITY.

The Director may, subject to appropriations, enter into contracts
and agreements on a reimbursable or cost-sharing basis with other
Federal agencies, State governments, local governments, and pri-
vate entities, to carry out this subtitle.

State and local
governments.

SEC. 3205. DEFINITIONS.

For purposes of this subtitle—

(1) The term "Director" means the Director of Charting and
Geodetic Services of the National Ocean Service, within the
National Oceanic and Atmospheric Administration.

(2) The term "Great Lakes" means Lake Erie, Lake Huron,
Lake Michigan, Lake Ontario, Lake St. Clair, Lake Superior,
the Saint Mary's River, the Saint Clair River, the Detroit River,
the Niagara River, the Saint Lawrence River to the Canadian
border, to the extent such lakes and rivers are subject to the
jurisdiction of the United States.

(3) The term "high risk of erosion" means subject to erosion at
a rate greater than 1 foot per year.

SEC. 3206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out section 3202
not more than \$100,000 for fiscal year 1988. Amounts appropriated
pursuant to this section shall remain available until expended.

**TITLE IV—DRIFTNET IMPACT MONITOR-
ING, ASSESSMENT, AND CONTROL**

SEC. 4001. SHORT TITLE.

This title may be cited as the "Driftnet Impact Monitoring,
Assessment, and Control Act of 1987".

SEC. 4002. FINDINGS.

The Congress finds that—

(1) the use of long plastic driftnets is a fishing technique that
may result in the entanglement and death of enormous num-
bers of target and nontarget marine resources in the waters of
the North Pacific Ocean, including the Bering Sea;

(2) there is a pressing need for detailed and reliable informa-
tion on the number of marine resources that become entangled
and die in actively fished driftnets and in driftnets that are lost,
abandoned, or discarded; and

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

SEC. 4003. DEFINITIONS.

As used in this title—

(1) **DRIFTNET.**—The term "driftnet" means a gillnet composed
of a panel of plastic webbing one and one-half miles or more in
length.

Driftnet Impact
Monitoring,
Assessment, and
Control Act of
1987.
North Pacific
Ocean.
16 USC 1822
note.

(2) **DRIFTNET FISHING.**—The term "driftnet fishing" means a fish-harvesting method in which a driftnet is placed in water and allowed to drift with the currents and winds for the purpose of entangling fish in the webbing.

(3) **EXCLUSIVE ECONOMIC ZONE OF THE UNITED STATES.**—The term "exclusive economic zone of the United States" means the zone defined in section 3(6) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802(b)).

(4) **MARINE RESOURCES.**—The term "marine resources" includes fish, shellfish, marine mammals, seabirds, and other forms of marine life or waterfowl.

(5) **MARINE RESOURCES OF THE UNITED STATES.**—The term "marine resources of the United States" means—

(A) marine resources found in, or which breed within, areas subject to the jurisdiction of the United States, including the exclusive economic zone of the United States; and

(B) species of fish, wherever found, that spawn in the fresh or estuarine waters of the United States.

(6) **SECRETARY.**—The term "Secretary" means the Secretary of Commerce.

SEC. 1004. MONITORING AGREEMENTS.

(a) **NEGOTIATIONS.**—The Secretary, through the Secretary of State and in consultation with the Secretary of the Interior, shall immediately initiate, negotiations with each foreign government that conducts, or authorizes its nationals to conduct, driftnet fishing that results in the taking of marine resources of the United States in waters of the North Pacific Ocean outside of the exclusive economic zone and territorial sea of any nation, for the purpose of entering into agreements for statistically reliable cooperative monitoring and assessment of the numbers of marine resources of the United States killed and retrieved, discarded, or lost by the foreign government's driftnet fishing vessels. Such agreements shall provide for—

(1) the use of a sufficient number of vessels from which scientists of the United States and the foreign governments may observe and gather statistically reliable information; and

(2) appropriate methods for sharing equally the costs associated with such activities.

(b) **REPORT.**—The Secretary, in consultation with the Secretary of State, shall provide to the Congress not later than 1 year after the date of enactment of this Act a full report on the results of negotiations under this section.

SEC. 1005. IMPACT REPORT.

(a) **IN GENERAL.**—The Secretary shall provide to the Congress within 1 year after the date of the enactment of this Act, and at such other times thereafter as the Secretary considers appropriate, a report identifying the nature, extent, and effects of driftnet fishing in waters of the North Pacific Ocean on marine resources of the United States. The report shall include the best available information on—

(1) the number and flag state of vessels involved;

(2) the areas fished;

(3) the length, width, and mesh size of driftnets used;

(4) the number of marine resources of the United States killed by such fishing;

International agreements.

Maritime affairs.

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(5) the effect of seabird mortality, as determined by the Secretary of the Interior, on seabird populations; and

(6) any other information the Secretary considers appropriate.

(b) INFORMATION FROM FOREIGN GOVERNMENTS.—The Secretary, through the Secretary of State, shall—

(1) request relevant foreign governments to provide the information described in subsection (a), and

(2) include in a report under this section the information so provided and an evaluation of the adequacy and reliability of such information.

Reports.

SEC. 4006. ENFORCEMENT AGREEMENTS.

International agreements.

(a) NEGOTIATIONS.—The Secretary shall immediately initiate, through the Secretary of State and in consultation with the Secretary of the Department in which the Coast Guard is operating negotiations with each foreign government that conducts, or authorizes its nationals to conduct, driftnet fishing that results in the taking of marine resources of the United States in waters of the North Pacific Ocean outside of the exclusive economic zone and territorial sea of any nation, for the purpose of entering into agreements for effective enforcement of laws, regulations, and agreements applicable to the location, season, and other aspects of the operations of the foreign government's driftnet fishing vessels. Such agreements shall include measures for—

(1) the effective monitoring and detection of violations;

(2) the collection and presentation of such evidence of violations as may be necessary for the successful prosecution of such violations by the responsible authorities;

(3) reporting to the United States of penalties imposed by the foreign governments for violations; and

(4) appropriate methods for sharing equally the costs associated with such activities.

(b) CERTIFICATION FOR PURPOSES OF FISHERMEN'S PROTECTIVE ACT OF 1967.—If the Secretary, in consultation with the Secretary of State, determines that a foreign government has failed, within 18 months after the date of the enactment of this Act, to enter into and implement an agreement under subsection (a) or section 4004(a) that is adequate, the Secretary shall certify such fact to the President, which certification shall be deemed to be a certification for the purposes of section 6(a) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)).

SEC. 4007. EVALUATIONS AND RECOMMENDATIONS.

(a) MARKING, REGISTRY, AND IDENTIFICATION SYSTEM.—The Secretary shall evaluate, in consultation with officials of other Federal agencies and such other persons as may be appropriate, the feasibility of and develop recommendations for the establishment of a driftnet marking, registry, and identification system to provide a reliable method for the determination of the origin by vessel, of lost, discarded, or abandoned driftnets and fragments of driftnets. In conducting such evaluation, the Secretary shall consider the adequacy of existing driftnet identification systems of foreign nations and the extent to which these systems achieve the objectives of this title.

(b) ALTERNATIVE DRIFTNET MATERIALS.—The Secretary, in consultation with such other persons as may be appropriate, shall evaluate the feasibility of, and develop appropriate recommenda-

tions for, the use of alternative materials in driftnets for the purpose of increasing the rate of decomposition of driftnets that are discarded or lost at sea.

(c) **DRIFTNET BOUNTY SYSTEM.**—The Secretary, in consultation with such other persons as may be appropriate, shall evaluate the feasibility of and develop appropriate recommendations for the implementation of a driftnet bounty system to pay persons who retrieve from the exclusive economic zone and deposit with the Secretary lost, abandoned, and discarded driftnet and other plastic fishing material.

(d) **DRIFTNET FISHING VESSEL TRACKING SYSTEM.**—The Secretary, in consultation with such other persons as may be appropriate, shall evaluate the feasibility of, and develop appropriate recommendations for, the establishment of a cooperative driftnet fishing vessel tracking system to facilitate efforts to monitor the location of driftnet fishing vessels.

(e) **REPORT.**—The Secretary shall transmit to the Congress not later than 18 months after the date of the enactment of this Act a report setting forth—

- (1) the evaluations and recommendations developed under subsections (a), (b), (c), and (d);
- (2) the most effective and appropriate means of implementing such recommendations;
- (3) any need for further research and development efforts and the estimated cost and time required for completion of such efforts; and
- (4) any need for legislation to provide authority to carry out such recommendations.

SEC. 4008. CONSTRUCTION WITH OTHER LAWS.

This title shall not serve or be construed to expand or diminish the sovereign rights of the United States, as stated by Presidential Proclamation Numbered 5030, dated March 10, 1983, and reflected in existing law on the date of the enactment of this Act.

SEC. 4009. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Commerce and the Department of State, such sums as may be necessary to carry out the purposes of this title.

North Carolina.

TITLE V—RED TIDE CONTAMINATION

SEC. 5001. DECLARATION OF DISASTER.

Notwithstanding any other provision of law, rule, or regulation, upon the date of the enactment of this Act, the Administrator of the Small Business Administration shall declare the recent North Carolina coast red tide contamination a disaster for purposes of section 7(b) of the Small Business Act (15 U.S.C. 636(b)).

SEC. 5002. PROVISION OF ASSISTANCE.

Notwithstanding any other provision of law, rule, or regulation, for purposes of providing assistance under paragraph (2) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)(2)) for a disaster declared under section 1 of this Act, eligibility of individual applicants for assistance shall not in any way be dependent on—

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(1) the number of disaster victims in any county or other political subdivision; or

(2) whether or not an applicant who normally conducts operations in the area of the recent North Carolina coast red tide contamination is otherwise situated or located in such area; or

(3) the type of business or industry in which the applicant is engaged.

SEC. 5003. RECENT NORTH CAROLINA COAST RED TIDE CONTAMINATION DEFINED.

For purposes of this Act, the term "recent North Carolina coast red tide contamination" means contamination of waters under the jurisdiction of the State of North Carolina by unusually high concentrations of the algae known as *Ptychodiscus brevis* (commonly referred to as "red tide"), with respect to which the Director of the Division of Marine Fisheries of the North Carolina Department of Natural Resources issues a shell fishing closure proclamation on or after November 2, 1987.

Approved December 29, 1987.

LEGISLATIVE HISTORY—H.R. 3674:

HOUSE REPORTS: No. 100-489 (Comm. on Merchant Marine and Fisheries).

CONGRESSIONAL RECORD, Vol. 133 (1987):

Dec. 18, considered and passed House.

Dec. 19, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 23 (1987):

Dec. 29, Presidential statement.

100TH CONGRESS]
1st Session

SENATE

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REGULATIONS FOR THE PREVENTION OF POLLUTION
BY GARBAGE FROM SHIPS (ANNEX V OF MARPOL
73/78)

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

ANNEX V, REGULATIONS FOR THE PREVENTION OF POLLUTION
BY GARBAGE FROM SHIPS, AN OPTIONAL ANNEX TO THE 1978
PROTOCOL RELATING TO THE INTERNATIONAL CONVENTION
FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973
(MARPOL 73/78)



FEBRUARY 17, 1987.—Annex was read the first time, and together with
the accompanying papers, referred to the Committee on Foreign Rela-
tions and ordered to be printed for the use of the Senate.

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1987

TRANSMITTED FROM 2027834187

02.03.88 18:14 P.03 *JSCF

LETTER OF TRANSMITTAL

THE WHITE HOUSE, February 9, 1987.

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate, Annex V, Regulations for the Prevention of Pollution by Garbage from Ships, an Optional Annex to the 1978 Protocol Relating to the International Convention for the Prevention of Pollution from Ships, 1973, (MARPOL 73/78). I also transmit for the information of the Senate the report of the Department of State on this Annex.

The MARPOL Protocol entered into force for the United States on October 2, 1983. Annex V and the other two Optional Annexes III and IV, which deal with pollution from packaged harmful substances and sewage, were transmitted only for the information of the Senate when the original MARPOL Convention was transmitted to the Senate on March 22, 1977, for its advice and consent to ratification.

Annex V prohibits (subject to limited exceptions) the disposal from ships into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets, and plastic garbage bags. It also restricts the discharge at sea of other types of garbage to specified distances from the nearest land.

The entry into force of Annex V of MARPOL 73/78 will be an important step in controlling and preventing pollution from discharges of ship generated garbage. I recommend that the Senate give early consideration to Optional Annex V of MARPOL 73/78 and give its advice and consent to ratification.

RONALD REAGAN.

TRANSMITTED FROM 2027334187

02.03.88 18:14 P.04 *JSCF

LETTER OF SUBMITTAL

**DEPARTMENT OF STATE,
Washington, January 21, 1987.**

**The PRESIDENT,
The White House.**

THE PRESIDENT: I have the honor to submit to you Annex V, Regulations for the Prevention of Pollution by Garbage from Ships, an Optional Annex to the 1978 Protocol Relating to the International Convention for the Prevention of Pollution from Ships, 1973, (MARPOL 73/78). Annex V and the other Optional Annexes, III and IV which deal with pollution from packaged harmful substances and sewage, were transmitted only for the information of the Senate when the original MARPOL Convention was transmitted to the Senate on March 22, 1977 for its advice and consent to ratification. Optional Annexes III and IV are still the subject of ongoing review and Senate advice and consent to them is not now being sought. The MARPOL Protocol entered into force for the United States on October 2, 1983.

Annex V establishes international regulations for prohibiting or otherwise restricting discharges into the oceans of all types of garbage generated during the normal operation of ships. Annex V will not completely solve the pollution threat of garbage disposal into the oceans but I believe that it is a critical first step in dealing with this international problem. Effective implementation of it would make a significant contribution to reducing the amount of vessel generated plastic garbage and other debris which are currently entering the marine environment seriously endangering a variety of marine life, including birds, marine mammals, turtles and seals. United States ratification would demonstrate to the world the United States resolve to protect that environment, giving due consideration to the joint efforts of the international community in the International Maritime Organization and other fora.

A major purpose of Annex V is to prohibit (subject to limited exceptions) the disposal into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags. Disposal into the sea of other garbage must be made as far as practicable from nearest land but in any case is prohibited (subject to limited exceptions) if the vessel's distance from the nearest land is less than 25 nautical miles for dunnage, lining and packing materials which will float, and 12 nautical miles for food wastes and all other garbage including paper products, rags, glass, metal bottles, crockery and similar refuse. Reception facilities capable of accepting garbage from vessels will be required at ports and terminals. We expect the private sector will be capable of providing the additional reception facilities required by this Annex.

As compared to mandatory Annexes I and II on pollution by oil and noxious liquid substances in bulk to which the United States is bound and which have been construed to apply only to seagoing vessels, Annex V will apply to all ships operating in the marine environment.

As with all other MARPOL 73/78 regulations in force for them, States bound by Annex V will be required to apply Annex V regulations to all ships, including those of non-party States, using their ports or otherwise under their jurisdiction.

Annex V will enter into force 12 months after the date on which not less than 15 States, the combined fleets of which constitute not less than 50 percent of the gross tonnage of the world's merchant shipping, have become parties to it. Annex V has not yet entered into force, having been ratified by 27 States representing only approximately 45% of the world's shipping tonnage. United States ratification would increase the tonnage to 49% and would in our view expedite entry into force of Annex V.

This Annex has been under active study by the United States and other nations in an effort to make its provisions more meaningful and enforceable. The International Maritime Organization's Marine Environment Protection Committee (MEPC) at its 23rd session, July 7-11, 1986 agreed to a United States proposed technical amendment to Annex V. This amendment—deletion of the words "or synthetic material incidental to the repair of such nets" from regulation 6(c)—would clarify and strengthen the prohibition on disposal of non-repairable sections of synthetic fishing nets, a problem which is contributing to an increase in the mortality of several marine species. The MEPC also agreed with the United States proposal that this amendment should be circulated with a view to normal adoption in accordance with Article 16 (tacit amendment procedure) of MARPOL 73/78, after entry into force of Annex V so as not to require States that have already ratified the Annex to ratify it. This amendment procedure was established to achieve more effective and rapid implementation of technical amendments to MARPOL 73/78 Annexes.

The United States Coast Guard has prepared an environmental assessment indicating that United States ratification of Annex V would not have a significant adverse impact on the environment and would indeed be environmentally beneficial. The environmental assessment will be transmitted separately to the Senate Committee on Foreign Relations. Annex V will require implementing legislation which is being prepared.

Annex V has the support of the United States Coast Guard, National Oceanic and Atmospheric Administration, the Marine Mammal Commission and all other interested agencies of the Executive Branch as well as environmental organizations and a substantial majority of the maritime industry. Although there has been some opposition within the maritime industry, I do not believe it will cause a problem in the ratification process.

I recommend that Annex V be transmitted to the Senate for its advice and consent to ratification at an early date.

Respectfully submitted,

GEORGE P. SHULTZ.

INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION
FROM SHIPS, 1973

ANNEX V

REGULATIONS FOR THE PREVENTION OF POLLUTION BY GARBAGE FROM
SHIPS

REGULATION 1

DEFINITIONS

For the purposes of this Annex:

(1) "Garbage" means all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically except those substances which are defined or listed in other Annexes to the present Convention.

(2) "Nearest land". The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with international law except that, for the purposes of the present Convention "from the nearest land" off the north eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in

latitude 11°00' South, longitude 142°08' East to a point in latitude 10°35' South,

longitude 141°55' East, thence to a point latitude 10°00' South, longitude 142°00' East, thence to a point latitude 9°10' South, longitude 143°52' East, thence to a point latitude 9°00' South, longitude 144°30' East, thence to a point latitude 13°00' South, longitude 144°00' East, thence to a point latitude 15°00' South, longitude 145°00' East, thence to a point latitude 18°00' South, longitude 147°00' East, thence to a point latitude 21°00' South, longitude 153°00' East, thence to a point on the coast of Australia in latitude 24°42' South, longitude 153°15' East.

(3) "Special area" means a sea area where for recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by garbage is required. Special areas shall include those listed in Regulation 5 of this Annex.

REGULATION 2

APPLICATION

The provisions of this Annex shall apply to all ships.

REGULATION 3

DISPOSAL OF GARBAGE OUTSIDE SPECIAL AREAS

Subject to the provisions of Regulations 4, 5 and 6 of this Annex:

(a) the disposal into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags is prohibited;

(b) the disposal into the sea of the following garbage shall be made as far as practicable from the nearest land but in any case if prohibited if the distance from the nearest land is less than:

(i) 25 nautical miles for dunnage, lining and packing materials which will float;

(ii) 12 nautical miles for food wastes and all other garbage including paper products, rags, glass, metal, bottles, crockery and similar refuse;

(c) disposal into the sea of garbage specified in sub-paragraph (b)(ii) of this Regulation may be permitted when it has passed through a comminuter or grinder and made as far as practicable from the nearest land but in any case is prohibited if the distance from the nearest land is less than 3 nautical miles. Such comminuted or ground garbage shall be capable of passing through a screen with openings no greater than 25 millimetres.

When the garbage is mixed with other discharges having different disposal or discharge requirements the more stringent requirements shall apply.

REGULATION 4

SPECIAL REQUIREMENTS FOR DISPOSAL OF GARBAGE

Subject to the provisions of paragraph (2) of this Regulation, disposal of any materials regulated by this Annex is prohibited from fixed or floating platforms engaged in the exploration, exploitation and associated offshore processing of sea-bed mineral resources, and from all other ships when alongside or within 500 metres of such platforms.

The disposal into the sea of food wastes may be permitted if they have been passed through a comminuter or grinder on such fixed or floating platforms located more than 12 nautical miles from land and all other ships when alongside or within 500 metres of such platforms. Such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 millimetres.

REGULATION 5

DISPOSAL OF GARBAGE WITHIN SPECIAL AREAS

For the purposes of this Annex the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area and the "Gulfs area" which are defined as follows:

(a) The Mediterranean Sea area means the Mediterranean Sea proper including the gulfs and seas therein with the boundary between the Mediterranean and the Black Sea constituted by the 41°N parallel and bounded to the west by the Straits of Gibraltar and the meridian of 5°36'W.

(b) The Baltic Sea area means the Baltic Sea proper with the Gulf of Bothnia and the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8'N.

(c) The Black Sea area means the Black Sea proper with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41°N.

(d) The Red Sea area means the Red Sea proper including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras si Anse (12°8.5'N, 43°19.6'E) and Huan Murad (12°40.4'N, 43°30.2'E).

(e) The "Gulfs area" means the sea area located north west of the rhumb line between Ras al Hadd (22°30'N, 59°48'E) and Ras al Fastah (25°04'N, 61°25'E).

(2) Subject to the provisions of Regulation 6 of this Annex:

(a) disposal into the sea of the following is prohibited:

(i) all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags; and

(ii) all other garbage, including paper products, rags, glass, metal, bottles, crockery, dunnage, lining and packing materials;

(b) disposal into the sea of food wastes shall be made as far as practicable from land, but in any case not less than 12 nautical miles from the nearest land.

(3) When the garbage is mixed with other discharges having different disposal or discharge requirements the more stringent requirements shall apply.

(4) Reception facilities within special areas:

(a) The Government of each Party to the Convention, the coastline of which borders a special area, undertakes to ensure that as soon as possible in all ports within a special area, adequate reception facilities are provided in accordance with Regulation 7 of this Annex, taking into account the special needs of ships operating in these areas.

(b) The Government of each Party concerned shall notify the Organization of the measures taken pursuant to sub-paragraph (a) of this Regulation. Upon receipt of sufficient notifications the Organization shall establish a date from which the requirements of this Regulation in respect of the area in question shall take effect. The Organization shall notify all Parties of the date so established no less than twelve months in advance of that date.

(c) After the date so established, ships calling also at ports in these special areas where such facilities are not yet available shall fully comply with the requirements of this Regulation.

REGULATION 6

EXCEPTIONS

- Regulations 3, 4 and 5 of this Annex shall not apply to:
- (a) the disposal of garbage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or
 - (b) the escape of garbage resulting from damage to a ship or equipment provided all reasonable precautions have been taken before and after the occurrence of the damage, for the purpose of preventing or minimizing the escape; or
 - (c) the accidental loss of synthetic fishing nets or synthetic material incidental to the repair of such nets, provided that all reasonable precautions have been taken to prevent such loss.

REGULATION 7

RECEPTION FACILITIES

The Government of each Party to the Convention undertakes to provide the provision of facilities at ports and terminals for the reception of garbage, without causing undue delay to ships, and according to the needs of the ships using them.

The Government of each Party shall notify the Organization of the admission to the Parties concerned of all cases where the facilities provided under this Regulation are alleged to be inadequate.

This is a certified true copy of the English text of Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, adopted in London on 2 November 1973, the original of which is deposited with the Secretary-General of the International Maritime Organization.

The Secretary-General of the International Maritime Organization

[Handwritten signature]

London, 19 December 1986.

TRANSMITTED FROM 2027834187

02.03.88 18:45 P.03 *JSCF

100TH CONGRESS
1st Session

SENATE

EXC. REPT.
100-8

MARPOL CONVENTION, ANNEX V

OCTOBER 14 (legislative day, OCTOBER 13), 1987.—Ordered to be printed

Mr. PELL, from the Committee on Foreign Relations,
submitted the following

REPORT

[To accompany Treaty Doc. 100-8]

The Committee on Foreign Relations, to which was referred Annex V, Regulations for the Prevention of Pollution by Garbage from Ships, an Optional Annex to the 1978 Protocol Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL 73/78), having considered the same, reports favorably thereon without amendment and recommends that the Senate give its advice and consent to ratification thereof.

PURPOSE

Annex V, entitled Regulations for the Prevention of Pollution by Garbage from Ships, is an Optional Annex to the 1978 Protocol Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL 73/78). The purpose of Annex V is to prohibit (subject to limited exceptions) the disposal from ships into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags. It also restricts the discharge at sea of other types of garbage to specified distances from the nearest land and mandates that reception facilities capable of holding waste from ships be required at ports and terminals.

BACKGROUND

The discarding of debris as part of normal vessel operations is one of man's oldest pollution practices. Although the Refuse Act of 1899 (33 U.S.C. 403-466 g-1) prohibited the dumping of garbage in rivers and harbors, until recent years there has been no effort to impose sanctions on such practices which occur on the high seas beyond the 3-mile limit.

Since 1899, the type of refuse disposed overboard has changed from degradable materials to waste containing many nondegradable plastic products. In addition to merchant vessels, commercial fishing operations, recreational waste discards, and river runoffs are the major sources through which plastics enter the marine environment.

Accurate estimates of the marine plastics problem are unavailable. However, beach surveys and other studies indicate that the problem is widespread. In a 1975 study, the National Research Council of the U.S. National Academy of Sciences estimated that approximately 6.4 million metric tons of trash was discharged into the oceans each year, and of that approximately 0.7 percent or 45,000 tons consisted of plastic garbage. In light of the continuing growth of the plastics industry over the past decade, there is no doubt that even greater quantities of plastic garbage will be discharged into oceans. Recent studies indicate that approximately 10 million plastic containers are discharged by the world's shipping industry each day, and each year fishing vessels reportedly dispose of approximately 52 million pounds of plastic packaging material and use more than 298 million pounds of synthetic fishing gear, including nets, lines, and buoys.

A number of studies have documented the large amounts of plastic debris in the marine environment: Benthic sediment surveys off the east coast of the United Kingdom showed 2,000 pieces of plastic per square meter, and beach surveys in New Zealand showed even higher concentrations of plastic particles on its beaches. A Mediterranean study revealed 60-70 percent of surveyed debris was plastic, and a recent ocean sample of debris in the North Pacific showed the level to be higher than 80 percent. Plastic debris is even being found on the remote shores of Antarctica. Plastics are being found in increasingly greater quantities, and because of their durability, remain in the environment longer than most other manmade materials.

Because much of the plastic debris is lightweight and degrades slowly in the marine environment, once discharged it floats at or near the surface for months, years, even decades, and poses hazards to marine mammals, sea birds, turtles, and fish as well as humans. Over time, floating plastic may accumulate at attached marine life or sink to the bottom where it can continue to entangle crabs and other benthic marine life indefinitely.

A major threat to marine wildlife posed by plastic essentially takes the form of entanglement in loops or openings of nets, net fragments, anchor and float lines, ropes, and packing bands; and ingestion of plastic fragments mistaken for natural items of prey, or ingestion of plastic accidentally because they happen to be associated with living animals which become entangled may exhaust themselves and eventually be slowed to the point of becoming easy prey for other animals or unable to catch fast moving prey, or develop wounds and infections from the abrasion of attached debris. Animals may become blinded or have digestive tracts blocked or damaged by ingestion of plastics that are difficult or impossible to excrete, regurgitate, or otherwise eliminate.

Although available information is not sufficient to quantify the extent of individual animals affected by plastic debris in oceans,

available information suggests that lost and discarded fishing nets and packing bands may be the primary cause of an ongoing decline in the North Pacific fur seal population. Entanglement in such materials also may be a significant cause of recent declines in the number of endangered Hawaiian monk seals and perhaps certain populations of Steller sea lions and harbor seals in Alaska. It is also clear that many species of seabirds, turtles, sharks, and fish are being affected by plastic debris to varying degrees throughout the world's oceans. Some of these species are listed as endangered and losses due to entanglement or ingestion add an additional factor inhibiting their potential recovery. Other species such as salmon and various crabs are commercially valuable and losses may reduce potential income for fishermen.

Another harmful effect of ship-generated garbage is its appearance on beaches and shorelines. In the United States, trash and debris is a particular problem at the Padre Island National Seashore, where recent studies indicate the majority of debris to be plastics or plastic derivatives. Aside from its aesthetic damage, garbage may physically injure organisms and humans, and physically damage ships and machinery. Occasionally plastic sheets are picked up in water intakes of a ship, and ropes and nets foul propellers resulting in mechanical damage or delay.

The marine environment is capable of absorbing limited and controlled quantities of wastes and, as such, represents an important resource. Careful control of garbage disposal is necessary to ensure that the harm to the marine environment is minimized.

MAJOR PROVISIONS

Annex V prohibits the disposal into the sea of all plastics, including synthetic ropes, synthetic fishing nets, and plastic garbage bags. For other nonplastic garbage such as floating dunnage, lining, and packing materials, Annex V would require their disposal beyond 25 miles. For food wastes and all other garbage, "including paper products, rags, glass, metal, bottles, crockery, and similar refuse," Annex V would require disposal beyond 12 miles. However, if these items are ground, they can be disposed of as close as 3 miles offshore. In addition, the annex would prohibit garbage disposal from fixed platforms.

Specifically excluded from coverage are accidentally lost fishing nets. Regulation 6 of Annex V excludes "the accidental loss of synthetic fishing nets or synthetic material incidental to the repair of such nets, provided that all reasonable precautions have been taken to prevent such loss." However, this regulation does not specify what "reasonable precautions" are.

COMMITTEE ACTION

On July 31, 1987, the committee held a public hearing on Annex V. Testimony was received from the following individuals: (1) Senator John H. Chafee; (2) Senator Frank R. Lautenberg; (3) Rear Adm. John W. Kime, Chief, Office of Marine Safety, Security and Environmental Protection, U.S. Coast Guard, Department of Transportation; and (4) Mr. Richard J. Smith, Principal Deputy Assistant

TRANSMITTED FROM 2027834187

02.03.88 18:46 P.06 *JSCF

RATIFICATIONS

United Kingdom; France; Federal Republic of Germany; Poland; Sweden; and Uruguay.

ACCESSIONS

Norway; Colombia; Czechoslovakia; North Korea; Denmark; Egypt; Finland; Gabon; German Democratic Republic; Greece; Hungary; Italy; Japan; Lebanon; Oman; Panama; Peru; St. Vincent and the Grenadines; Tunisia; Tuvalu; and Yugoslavia.

TEXT OF RESOLUTION OF RATIFICATION

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Annex V, Regulations for the Prevention of Pollution by Garbage from Ships, an Optional Annex to the 1978 Protocol Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL 73/78).

ary for Oceans and International Environmental and Scien-
Affairs, Department of State.
committee considered the treaty at its business meeting on
ber 24, 1987, and voted 19-0 to report it favorably to the
for its advice and consent. Ayes: Senators Pell, Biden, Sar-
Cranston, Dodd, Kerry, Simon, Sanford, Adams, Moynihan,
Lugar, Kassebaum, Boschwitz, Pressler, Murkowski, Trible,
and McConnell.

COST ESTIMATE

Congressional Budget Office has supplied the committee
the following information on the possible budgetary impact of
V:

**U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 14, 1987.**

LAIBORNE PELL,
an, Committee on Foreign Relations, U.S. Senate, Dirksen
ate Office Building, Washington, DC.

MR. CHAIRMAN: The Congressional Budget Office has re-
Treaty Document 100-3, Annex V, regulations for the pre-
of pollution by garbage from ships, an optional annex to
8 protocol relating to the international convention for the
tion of pollution from ships, 1973, as ordered reported by the
Committee on Foreign Relations, September 24, 1987. CBO
es that the adoption of this treaty by the United States
result in federal costs of about \$1 million over two to three
These funds would be used by the U.S. Coast Guard to issue
ions designed to ensure the availability of garbage reception
s at U.S. ports and terminals under Regulation 7 of the
sts would be incurred by state or local governments as a
f enactment of this bill.

If you wish further details on this estimate, we will be pleased to
them.
best wishes,
incerely,

EDWARD M. GRAMLICH,
Acting Director.

ENTRY INTO FORCE

x V will enter into force 12 months after the date on which
than 15 States, the combined fleets of which constitute not
n 50 percent of the gross tonnage of the world's merchant
g, have become parties to it. Annex V has not yet entered
ce, having been ratified by 27 States representing only ap-
ately 45 percent of the world's shipping tonnage. U.S. ratifi-
ould increase the tonnage to 49 percent. The following is a
the nations that have either ratified or acceded to this

HJR

63

HOUSE COMMITTEE REPORT

(9)

Date referred: 2/15/88

FURTHER REFERRALS:

DATE: February 25, 1988

The Resources Committee has considered HJR 63

Urging the United States Congress to enact a raw fish tax and a domestic on board observer program.

RECOMMENDS:

- replace with CS HJR 63 (res) the same title
- 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):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

Herrmann Adelheid Herrmann

Navarre Mike Navarre

Hoffman Lynn Hoffman

Davidson Cliff Davidson

Cotten Jan Cotten

SIGNING OTHER RECOMMENDATIONS:

Adelheid Herrmann
Chairman's signature

CO-

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Federal raw fish tax/on-board
observer program
Sponsor: Rep. Adelheid Herrmann
Requestor: House Resources Committee

Agency Affected: _____
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
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	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Representative Adelheid Herrmann
Division: Co-Chair, House Resources Committee

Phone: 465-4942
Date: February 25, 1988

Approved by Commissioner: Rep. Herrmann, Co-Chair
Agency: _____

Date: February 25, 1988

Distribution (by preparer):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Original sponsors: Herrmann and Ellis

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE JOINT RESOLUTION NO. 63 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 Urging the United States Congress to
6 enact a raw fish tax and a domestic on-
7 board observer program.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 WHEREAS the state has adopted a raw fish tax of three percent on most
10 fish species caught within state water; and

11 WHEREAS significant numbers of fish are being caught in United States
12 water between the three-mile and 200-mile limits; and

13 WHEREAS imposition of a three percent tax on fish caught in the area
14 between the three-mile limit and the 200-mile limit would result in equity
15 for all fishermen fishing in United States water; and

16 WHEREAS accurate logging data reporting the number of fish caught and
17 the by-catch of all species is critical to fisheries management as well as
18 accurate tax assessments; and

19 WHEREAS a domestic on-board observer program requiring domestic ob-
20 servers in United States water to log all fish caught would provide the
21 accurate data needed; and

22 WHEREAS the funds generated by a three percent tax would provide
23 adequate funding to pay for the domestic on-board observer program, in-
24 crease funding for United States Coast Guard enforcement, and provide a
25 revenue surplus to reduce the federal deficit;

26 BE IT RESOLVED by the Alaska State Legislature that the Congress is
27 urged to

28 (1) enact a three percent raw fish tax on fish taken from United
29 States water between the three-mile and 200-mile limits; and

1 (2) use a portion of the tax revenue to fund a domestic on-board
2 observer program in United States water and provide a continuous source of
3 funding to enable increased United States Coast Guard enforcement of fish-
4 ing activities in United States water.

5 COPIES of this resolution shall be sent to the Honorable Ernest F.
6 Hollings, Chairman, U.S. Senate Committee on Commerce, Science, and Trans-
7 portation; the Honorable John B. Breaux, Chairman, Merchant Marine Subcom-
8 mittee of the U.S. Senate Committee on Commerce, Science, and Transporta-
9 tion; the Honorable Walter B. Jones, Chairman, U.S. House of Representa-
10 tives Committee on Merchant Marine and Fisheries; and to the Honorable Ted
11 Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable
12 Don Young, U.S. Representative, members of the Alaska delegation in Con-
13 gress.

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version : HJR 63
Publish Date : February 15, 1988

Revision Date: _____
Title: Federal raw fish tax/on-board observer program
Sponsor: Rep. Adelheid Herrmann
Requestor: House Resources Committee

Agency Affected : none
BRU: _____
Components : _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
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	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : (Attach a separate page if necessary)

Prepared by : Representative Adelheid Herrmann
Division : Co-Chair, House Resources Committee

Phone : 465-4942
Date : February 25, 1988

Approved by Commissioner : Rep. Herrmann, Co-Chair
Agency : _____

Date : February 25, 1988

Distribution (by preparer) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary



**SOUTHWEST ALASKA
MUNICIPAL CONFERENCE**

Box 89 • Unalaska • Alaska 99685

RESOLUTION 88-04

A RESOLUTION OF THE SOUTHWEST ALASKA MUNICIPAL CONFERENCE (SWAMC) URGING CONGRESS TO ENACT A FEDERAL RAW FISH TAX AND DOMESTIC OBSERVER PROGRAM.

WHEREAS, the State of Alaska has adopted a raw fish tax program which taxes three percent (3%) on most fish species caught within State waters; and

WHEREAS, there is a vast resource of fish being caught in U.S. waters between the three miles and 200 mile limits; and

WHEREAS, imposition of the three percent (3%) tax in the area between the three mile limit and the 200 mile limit would only result in equity for all fishermen fishing in U.S. waters; and

WHEREAS, accurate logging data reporting the amount of fish caught and the bycatch of all species is critical to fisheries management as well as accurate tax assessments; and

WHEREAS, a domestic observer program requiring domestic observers in U.S. waters to log all fish caught would provide the accurate data needed; and

WHEREAS, the funds generated by a three percent (3%) tax would provide adequate funding to pay for the domestic observer program, increase funding for U.S. Coast Guard enforcement and provide a revenue surplus which would reduce the federal deficit.

NOW, THEREFORE, BE IT RESOLVED by the SWAMC that Congress is urged to enact a three percent (3%) raw fish tax in U.S. waters between the three mile and 200 mile limits and use a portion of the tax revenues to fund a required domestic observer program in U.S. waters and to provide a continuous source of funding to enable increase U.S. Coast Guard enforcement of fishing activities in U.S. waters.

TO: DISTRIBUTION

February 1, 1988

FROM: Peter Craig, Groundfish Coordinator
Division of Commercial Fish
Department of Fish & Game, Kodiak

The purpose of this memo is to provide information about a growing problem related to the development of the DAP (Domestic Annual Production) groundfish fishery in Alaska.

Statement of the Problem

A bright light on Alaska's economic horizon is the Americanization of the groundfish fisheries in the Bering Sea and the Gulf of Alaska. Due to the Magnuson Fishery Conservation and Management Act, this fishery is changing from a foreign to a U.S. enterprise. By 1988 foreign harvests have been virtually phased out and joint U.S.-foreign ventures are on the wain. Almost half of the harvestable portion of this vast renewable resource will be harvested and processed by U.S. fishermen in 1988 (Fig. 1). Projections beyond 1988 are speculative, but the trend is clear. Within the next few years, the fishery will complete the transition to U.S. fishermen, and many segments of Alaska's economy will benefit greatly.

At the same time, however, we are unfortunately witnessing the collapse of a vital part of the data collection system upon which the management of this fishery depends. Some types of data can only be obtained by an on-board observer program. For example, the "bycatch" rate of non-target but otherwise fully utilized species (salmon, king crab, Tanner crab, halibut, herring) can be determined only by a scientific technician who actually inspects fish catches as the nets come aboard ship. Because the fishermen are not allowed to retain these prohibited species on their boats, these fish are discarded at sea and thus cannot be accounted for when the ship returns to shore. Documentation of bycatch rates is essential to minimize adverse impacts to species already allocated to other Alaskan fisheries.

The problem is that monitoring of the groundfish fishery by means of an observer program has declined drastically. From an overall coverage of about 85% of the foreign and joint venture segments of the fishery, observer coverage has plummeted in 1988 because only about 1-3% of the current domestic fishery (DAP) is monitored by on-board observers (Fig.2). Thus, as the DAP segment of the fishery increases each year, the overall coverage of the fishery by observers decreases. This is particularly apparent in the Gulf of Alaska where observer coverage in 1988 will be less than 10% due to the high allocation to DAP.

Alaskan coastal communities will benefit greatly from this rapidly expanding fishery, but only if a destabilizing "boom and

bust" scenario is avoided. The orderly development of this fishery cannot occur in a data vacuum.

GROUNDFISH HARVEST TRENDS

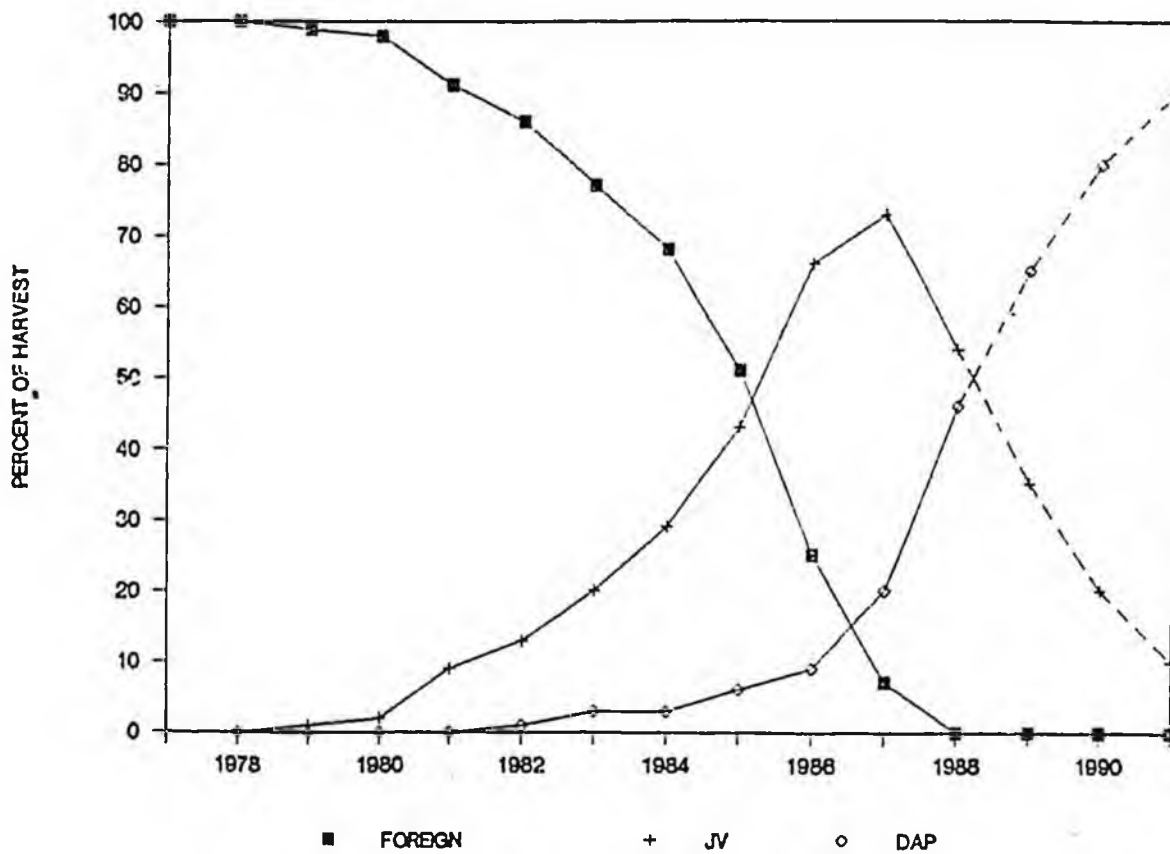


Figure 1. Annual changes in the harvest of Alaskan groundfish by foreign, JV, and DAP segments of the fishery. Data through 1988 were derived from the North Pacific Fisheries Management Council. Data beyond 1988 are hypothetical.

% GROUNDFISH OBSERVED

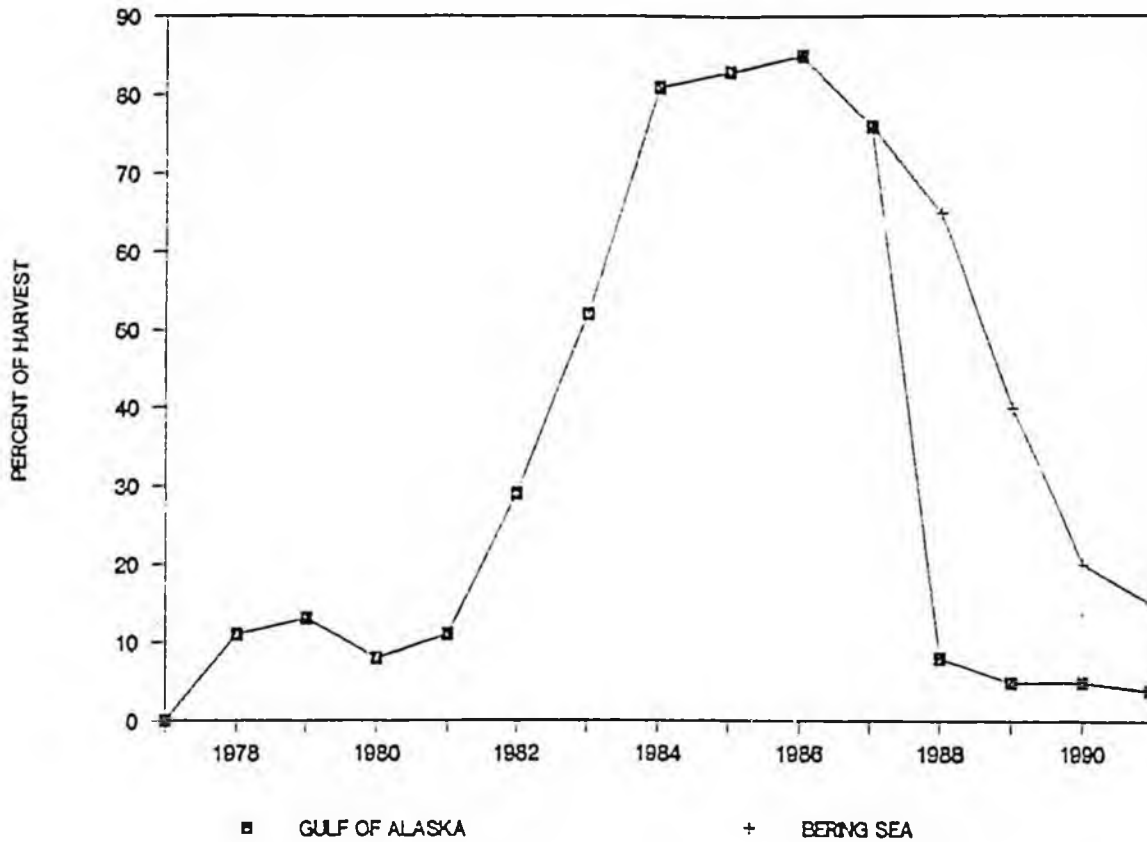


Figure 2. On-board observer coverage of the Alaskan groundfish fishery (DAP, JV, and TALFF combined). Data through 1987 were derived from the National Marine Fisheries Service and the Alaska Department of Fish and Game. Projections beyond 1987 are based on rates of observer coverage in 1987 and the projections shown in Fig. 1.

100TH CONGRESS
1ST SESSION

H. R. 3341

To strengthen fisheries research through the imposition of fees on the harvesting and processing of fish within the exclusive economic zone and through the licensing of recreational fishing within such zone.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 1987

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

A BILL

To strengthen fisheries research through the imposition of fees on the harvesting and processing of fish within the exclusive economic zone and through the licensing of recreational fishing within such zone.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Fisheries Research Fund-
5 ing Act of 1987".

6 **SEC. 2. DEFINITIONS.**

7 For purposes of this Act:

1 (1) The term "exclusive economic zone" has the
2 meaning given such term in section 3(6) of the Magnu-
3 son Act.

4 (2) The term "harvesting" means the catching or
5 taking of fish for commercial purposes, and does not in-
6 clude recreational fishing within the meaning of section
7 4(a).

8 (3) The term "harvesting vessel" means any
9 vessel, boat, ship or other craft, regardless of nation of
10 registry, that is used for, equipped to be used for, or of
11 a type that is normally used for harvesting.

12 (4) The term "Magnuson Act" means the Magnu-
13 son Fishery Conservation and Management Act (16
14 U.S.C. 1801 et seq.).

15 (5) The term "processing" means the preparation
16 within the exclusive economic zone, for commercial use
17 or sale, of fish (other than by gutting, decapitating,
18 gilling, skinning, shucking, icing, or brine chilling) or of
19 fish products.

20 (6) The term "processing vessel" means any
21 vessel, boat, ship or other craft, regardless of
22 nation of registry, that is used for, equipped to be used
23 for, or of a type that is normally used for processing.

24 (7) The term "Secretary" means the Secretary of
25 Commerce.

1 SEC. 3. FISHERIES RESEARCH FEES.

2 (a) IN GENERAL.—During any fiscal year after fiscal
3 year 1987—

4 (1) no harvesting vessel may engage in harvest-
5 ing; and

6 (2) no processing vessel may engage in process-
7 ing;

8 within the exclusive economic zone unless the fisheries re-
9 search fee imposed under subsection (b) on the owner or op-
10 erator of the vessel has been paid.

11 (b) IMPOSITION OF FEE.—

12 (1) There is imposed on the owner or operator of
13 any harvesting vessel that engages in harvesting within
14 the exclusive economic zone a fisheries research fee of
15 \$45 per fiscal year.

16 (2) There is imposed on the owner or operator of
17 any processing vessel that engages in processing within
18 the exclusive economic zone a fisheries research fee in
19 an amount equal to the product of—

20 (A) the tonnage of fish purchased by the
21 vessel during the fiscal year for processing within
22 the exclusive economic zone; multiplied by

23 (B) \$2.

24 (c) COLLECTION OF FEE.—The Secretary shall by reg-
25 ulation establish the terms, conditions, and procedures under
26 which fisheries research fees will be determined and collect-

1 ed. In the case of fees imposed on owners or operators of
2 processing vessels, the Secretary—

3 (1) may allow for the payment of fees at the be-
4 ginning of a fiscal year based on estimates of the ton-
5 nage of fish that will be purchased during the year and
6 make such later adjustments regarding the fees owed
7 for that year as may be required on the basis of the
8 actual tonnage purchased;

9 (2) shall specify the information and data that
10 must be provided by owners and operators for purposes
11 of making estimates and adjustments under paragraph
12 (1); and

13 (3) shall provide for procedures under which
14 owners and operators may challenge determinations of
15 the amounts of fees that are owed.

16 (d) CERTIFICATE.—

17 (1) The Secretary shall issue, at no charge, to
18 each vessel owner that has paid the fee imposed under
19 subsection (b) a certificate verifying that the payment
20 was made.

21 (2) The vessel owner or operator shall—

22 (A) cause any certificate issued under para-
23 graph (1) for a vessel to be prominently displayed
24 in the wheelhouse of the vessel; and

1 (B) promptly surrender the certificate upon
2 request therefor by the Secretary under section
3 6(d).

4 (e) DISPOSITION OF FEES.—The Secretary shall depos-
5 it all fisheries research fees that are collected under this sec-
6 tion into the Fisheries Research Fund established under sec-
7 tion 5(a).

8 **SEC. 4. RECREATIONAL FISHING LICENSES.**

9 (a) DEFINITION.—For purposes of this section, the term
10 “recreational fishing” means—

11 (1) the catching or taking of, or the attempt to
12 catch or take, fish within the exclusive economic zone
13 for pleasure or sport;

14 (2) any activity conducted within the exclusive
15 economic zone in support of any activity described in
16 paragraph (1);

17 regardless of the final disposition of the fish that are caught
18 or taken.

19 (b) IN GENERAL.—No individual who has attained age
20 16 may engage in recreational fishing after the 180th day
21 after the date of the enactment of this Act unless that individ-
22 ual has in his or her possession a valid recreation fishing
23 license that was issued to that individual under subsection (c).

24 (c) LICENSES.—For each fiscal year after fiscal year
25 1987, the Secretary shall issue licenses that authorize indi-

1 viduals to engage in recreational fishing during that fiscal
2 year. The Secretary shall collect a fee of \$15 for each license
3 issued under this subsection.

4 (d) DEPOSIT OF FEES.—The Secretary shall deposit all
5 fees collected under subsection (c) into the Fisheries Re-
6 search Fund established under section 5(a).

7 SEC. 5. FISHERIES RESEARCH FUND.

8 (a) ESTABLISHMENT.—There is established in the
9 Treasury of the United States the Fisheries Research Fund.
10 The Fund shall consist of—

11 (1) all fishery research fees collected under section
12 3; and

13 (2) all fees collected under section 4 for recre-
14 ational fishing licenses.

15 (b) DISTRIBUTION OF MONEYS IN FUND.—To the
16 extent provided for in advance in appropriation Acts, the
17 Secretary shall distribute the aggregate amount of money in
18 the Fisheries Research Fund that is attributable to the im-
19 position of fees under sections 3 and 4 during a fiscal year for
20 use by distributees for the carrying out of fisheries research
21 as follows:

22 (1) 25 percent of the aggregate amount to the re-
23 gional fishery management councils established under
24 section 302 of the Magnuson Act.

1 (2) 10 percent of the aggregate amount to the Pa-
2 cific Marine Fisheries Commission.

3 (3) 10 percent of the aggregate amount to the At-
4 lantic States Marine Fisheries Commission.

5 (4) 5 percent of the aggregate amount to the Gulf
6 States Marine Fisheries Commission.

7 (5) The balance of the aggregate amount to the
8 National Marine Fisheries Service.

9 In making distributions under paragraph (1) of moneys attrib-
10 utable to fees collected under section 3, the Secretary shall
11 pro-rate the amounts received by the fishery management
12 councils on the basis of the amount of the fisheries research
13 fees collected from vessels engaged in the respective regions
14 under the jurisdiction of the councils. No fishery management
15 council may receive less than 5 percent of the amount avail-
16 able for distribution under this paragraph with respect to any
17 fiscal year.

18 **SEC. 6. PROHIBITED ACTS AND PENALTIES.**

19 (a) **ACTS RELATED TO HARVESTING AND PROCESS-**
20 **ING.**—It is unlawful for the owner or operator of a harvest-
21 ing vessel or processing vessel—

22 (1) to violate any provision of section 3;

23 (2) to refuse to pay the fisheries research fee im-
24 posed under section 3(b);

1 (3) to violate any term, condition, or procedure
2 established under section 3(c) relating to the determi-
3 nation or collection of the fees; or

4 (4) to refuse to surrender a certificate when re-
5 quested to do so under subsection (d).

6 (b) ACTS RELATED TO RECREATIONAL FISHING.—It
7 is unlawful for any person to violate section 4(b).

8 (c) CIVIL PENALTIES.—

9 (1) Any person who is found by the Secretary,
10 after notice and opportunity for a hearing in accord-
11 ance with section 554 of title 5, United States Code,
12 to have committed any unlawful act under subsection
13 (a) or (b) is liable to the United States for a civil penal-
14 ty. The amount of the civil penalty may not exceed—

15 (A) \$25,000 for an unlawful act under sub-
16 section (a); or

17 (B) \$100 for an unlawful act under subsec-
18 tion (b).

19 Each day in which an unlawful act continues consti-
20 tutes a separate offense. The Secretary, or his desig-
21 nees, shall assess the amount of the civil penalty by
22 written notice. In determining the amount of any such
23 penalty, the Secretary shall take into account the
24 nature, circumstances, and extent of the violation and,
25 with respect to the violator, the degree of culpability,

1 any history of prior offenses under subsection (a) or (b),
2 as the case may be, ability to pay, and such other mat-
3 ters as justice may require.

4 (2) Subsections (b) through (e) of section 308 of
5 the Magnuson Act (relating to review of civil penalties,
6 action after failure to pay assessment, compromise, and
7 subpoenas) apply to civil penalties assessed under para-
8 graph (1).

9 (d) **SUSPENSION OF HARVESTING OR PROCESSING**
10 **PRIVILEGE.**—After the assessment of a civil penalty under
11 subsection (c) with respect to an unlawful act under subsec-
12 tion (a) becomes final, the Secretary, after taking into ac-
13 count the gravity of the unlawful act committed, and the
14 degree of culpability and any history of prior offenses under
15 subsection (a) of the violator, may suspend, for such period of
16 time as the Secretary considers appropriate, but for not more
17 than 1 year, the privilege of the owner or operator to use the
18 vessel, involved in the assessment, in harvesting or process-
19 ing in the exclusive economic zone. Upon invoking any such
20 suspension, the Secretary shall immediately request that the
21 owner or operator return to the Secretary any certificate
22 issued under section 3(d) with respect to the vessel.

1 SEC. 7. AUTHORIZATION OF THE SECRETARY.

2 (a) DATA COLLECTION.—The Secretary is authorized
3 to collect such data as he deems necessary to carry out the
4 purposes of this Act from certificate and license holders.

5 (b) CONTRACTS AND AGREEMENTS.—The Secretary
6 may enter into contracts or agreements with other Federal
7 agencies, states, or private entities to collect data under sub-
8 section (a) of this section.

9 (c) CONFIDENTIALITY OF DATA.—Any data collected
10 by the Secretary under this section or section 3 shall be con-
11 fidential and shall not be disclosed except when required by
12 court order. The Secretary shall, by regulation, prescribe
13 such procedures as may be necessary to preserve such confi-
14 dentiality, except that the Secretary may release or make
15 public any such data in aggregate or summary form which
16 does not directly or indirectly disclose the identity or business
17 of any person who submits such data.

18 SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

19 There are authorized to be appropriated to the Depart-
20 ment of Commerce such sums as may be necessary to admin-
21 ister the provisions of this Act.

○

WALTER B JONES, NORTH CAROLINA CHAIRMAN

MARIO BIAGGI, NEW YORK
GLENN M ANDERSON, CALIFORNIA
GERRY E STUDDS, MASSACHUSETTS
CARROLL HUBBARD, JR., KENTUCKY
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U.S. House of Representatives
Committee on
Merchant Marine and Fisheries

Room 1334, Longworth House Office Building
Washington, DC 20515-6230

September 23, 1987

CHIEF COUNSEL
EDMUND B WELCH

CHIEF CLERK
BARBARA L CAVAS

MINORITY STAFF DIRECTOR
GEORGE D PENCE

MINORITY CHIEF COUNSEL
DUNCA SMITH III

Dear Fisheries Colleague:

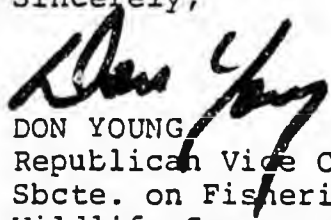
Enclosed please find a copy of the "Fisheries Research Funding Act of 1987" which I introduced today.

The bill is designed to raise money for fisheries research by collecting a modest fee from commercial and recreational fishermen and offshore processors operating in the U.S. Exclusive Economic Zone. The amounts collected will be deposited in a fund and distributed to the Regional Fishery Management Councils, the Marine Fisheries Commissions, and the National Marine Fisheries Service with a requirement that it be used only for research. The bill affects only those activities taking place outside of State waters and would not affect onshore processors.

I recognize that there will be concerns expressed about adding to the cost of fishing operations. However, we are faced with a serious problem: every year, we are taking more fish while having less money available on the State and federal level for research. Management decisions must be based on the best available scientific data. If we don't have good data - or any data - then we run the risk of making bad decisions. In the long run, this helps neither the resource nor the fisherman.

I expect to seek hearings on this bill early next year. Like any proposal, it is subject to change, and I would appreciate receiving any thoughts you have on this matter.

Sincerely,


DON YOUNG
Republican Vice Chairman
Subcommittee on Fisheries and
Wildlife Conservation and
the Environment

DY:rhm

September 16, 1987

SUMMARY OF "FISHERIES RESEARCH FUNDING ACT OF 1987"

Secs. 1 & 2 - Short title and definitions

Sec. 3 - Imposes fees on commercial harvesting and processing vessels operating in the Exclusive Economic Zone (3 to 200 miles). Harvesting vessels pay \$45; processing vessels pay \$2 times the amount of fish taken on board. Upon payment of fee, vessels will receive a certificate from the Secretary of Commerce. After September 30, 1987, no vessel may operate without a certificate. Fees are deposited into the Fisheries Research Fund.

Sec. 4 - Imposes fees on recreational fishermen, including charter boat operators and crews. Individuals pay \$15 to receive a license. No one may fish or operate a charter boat in the Exclusive Economic Zone without a license unless they are under 16 years of age. Fees are deposited into the Fisheries Research Fund.

Sec. 5 - Fisheries Research Fund is established consisting of fees collected under sections 3 and 4. Subject to approval in appropriations acts, money is to be used strictly for fisheries research. Money is distributed each year as follows:

- 25% to Regional Fishery Management Councils
- 10% to Pacific Marine Fisheries Commission
- 10% to Atlantic Marine Fisheries Commission
- 5% to Gulf States Marine Fisheries Commission
- Remainder to National Marine Fisheries Service.

Money collected from commercial vessels is apportioned between Management Councils on the basis of the amounts collected from vessels fishing in the region, except that no Council can receive less than 5% of the 25% available to all of the Councils.

Sec. 6 - Violators are subject to civil penalties and can have their certificates or licenses revoked.

Sec. 7 - Secretary may collect data to carry out the purposes of the Act. All data is to be kept confidential.

Sec. 8 - Authorizes the appropriation of necessary sums.

STATEMENT OF SUPPORT
HJR 63
FEDERAL RAW FISH TAX AND ON BOARD OBSERVER PROGRAM

by

Nancy Gross, City Manager
City of Unalaska

The City of Unalaska supports this resolution. Its passage would show the support of the Alaska House of Representatives for the responsible management of the fisheries resources within the 200 mile limit and the desire for equity in tax payments by fishermen both in and out of state waters. The observer program would provide for the gathering of reliable data on the fishery resources being exploited in the 200 mile zone so that better estimates of quotas and catch limits can be made by the regulatory agencies.

Fishermen operating within state waters now pay a tax to the State of Alaska on the value of the fish caught. When they operate outside of state waters there is no tax. If a federal tax were to be levied, the proceeds of that tax could be used to fund the observer program.

We would see these measures as contributing greatly to the ability to manage fisheries resources long into the future.

Unalaska/Dutch Harbor Fish and Game Advisory Committee

c/o P. O. Box 312
Dutch Harbor, AK 99692

RECEIVED JAN 19 1988

Representative Adeleid Herrmann
P. O. Box V
Juneau, AK 99811

Dear Adeleid:

Please find enclosed a copy of a proposal we have submitted to the Board of Fisheries for consideration during their Spring Shellfish Meeting.

The lack of observers on board catcher/processing boats involved in the King Crab and Tanner Crab fisheries is of great concern. It has been alleged for years that catcher/processors have been harvesting undersized crab. With no current on board inspection of their harvest, the catcher/processors have a license to steal. The situation is worsening with the growing number of catcher/processors joining the fleet.

The disparity between the catches and catch per unit effort (CPUE) of catcher/processors vs catcher boats strongly indicates the taking of undersize crab by the catcher/processors. Below are the figures for the 1987 Bristol Bay Red King Crab season.

	Average CPUE	Average Catch
Catcher Boat	8.9	46,300
Catcher/Processor	13.8	111,500

At a time when the stocks are starting to rebuild from their lows in the early 80s, it is imperative that the catcher/processing fleet be required to operate under observation by the state to protect the resource and the industry. We realize the state supports requiring the catcher/processor to have observers but the problem has been funding for an observer program. We propose that the catcher/processors be required to pay for it through the permit process. It should be part of the cost of their permit to operate.

We understand this would require legislative action and so we are asking you to initiate action to this purpose.

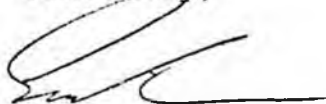
Representative Herrmann

January 8, 1983
Page 2

We would hope an observer program could be in place before the September opening of the Bristol Bay King Crab Season.

Thank you for looking into this matter. We would welcome any inquiries for help or information.

Sincerely,



Sinclair Wilt, Chairman

SW:gdo

M E M O R A D U M

S T A T E O F A L A S K A

TO: Ken Parker, Director
Division of Commercial Fisheries
Alaska Dept. Fish and Game
Juneau

February 22, 1988

THROUGH: Larry Nicholson

FROM: Peter Craig
Groundfish Coordinator
Alaska Dept. Fish and Game
Kodiak

RE: Domestic groundfish observer program - how much will it cost?

Alaska's fastest growing fishery is, without question, the rapidly expanding groundfish fishery for cod, pollock, sablefish, and flounders. Catches by US fishermen have increased dramatically in recent years and now amount to 1 million tons in the Westward Region (Figure 1).

The onboard observer program plays a key role in the management of this fishery. Among other things, the observer program is the only source of "bycatch" data, which is the capture rate of non-target species (halibut, crab, salmon) that are fully utilized in other Alaskan fisheries. Because the harvest level of some groundfish species is determined by how much bycatch they will take, it is essential that good estimates of bycatch are obtained.

The purpose of this memo is to establish a procedure by which data needs and costs can be evaluated.

1. What is the purpose of the observer program?

The objectives of the program determine the level of observer coverage needed. For the purposes of this memo, it is assumed that the overall objective of the observer program is to (a) provide biological data for management decisions, rather than (b) serve as an enforcement mechanism to insure regulatory compliance. While 100% coverage might be desired for an enforcement program, a biological program requires substantially less observer coverage of the fleet to produce results that are statistically meaningful for management purposes.

2. Are existing data statistically adequate?

In a word, no. Bycatch rates are not available for most

WESTWARD REGION DAP

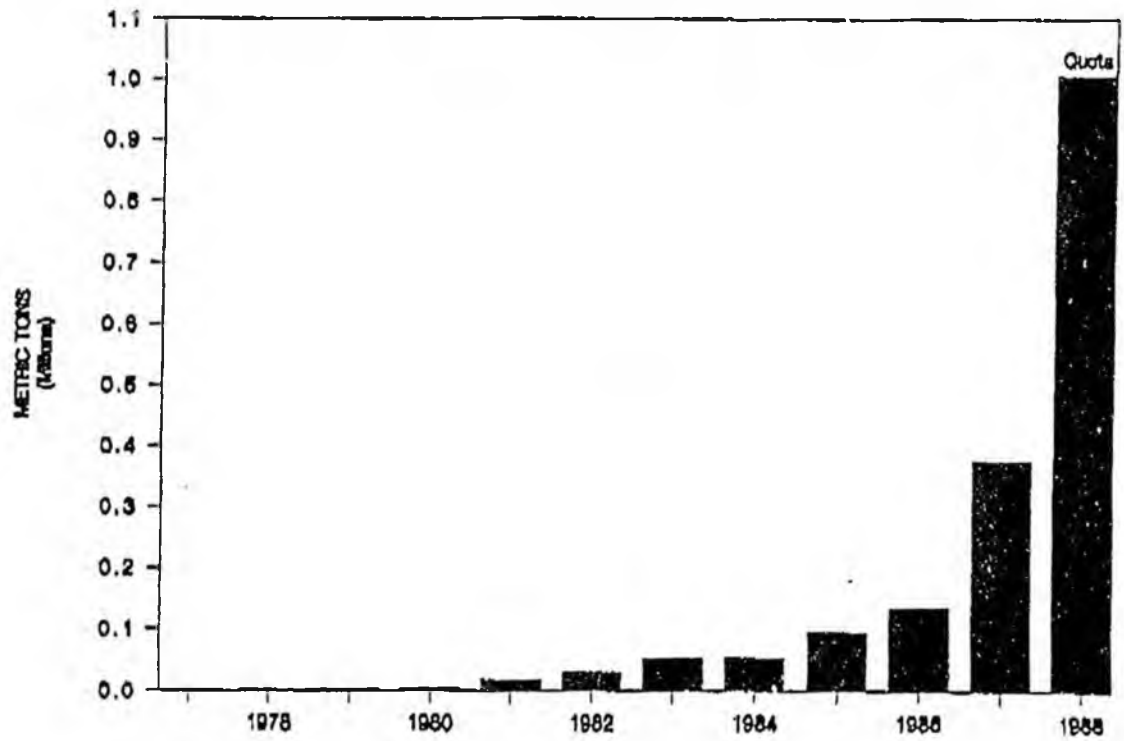


Figure 1. Yearly increases in the domestic harvest of groundfish in Alaska's Westward region.

segments of the domestic groundfish fishery (DAP). We therefore have to rely on NMFS estimates derived from Joint Venture fisheries which may or may not be representative of bycatch rates for DAP fisheries.

The DAP fishery with the largest "database" is the shore-based bottom trawl fishery at Kodiak Island. In 1987, ADFG gathered bycatch data from 16 vessels in that fishery. Although these results are useful, the 16 individual data points are quite variable as often occurs with small sample sizes. The results show that the average bycatch rate of halibut, for example, was 40.4 kg/mt:

Species	-----BYCATCH RATE-----	
	Observed (kg/mt)	Actual (kg/mt)
Halibut	40.4	19-62
Tanner crab	5.3	0-11
Salmon	0.8	0.2-1.4

"Actual" = 95% probability that the population mean lies within this interval.

Statistical analysis of the sample variability shows that the bycatch rate actually lies somewhere in the range of 40.4 kg/mt plus or minus 54%, which equals 19-62 kg/mt. This degree of imprecision can translate into large changes in the allocation of fish quotas. A halibut bycatch rate based on the available data could be 54% too high (or 54% too low).

3. What degree of statistical precision is needed?

Statistical precision depends largely on how many samples are taken -- the more samples, the more precise the results. In the example above, the range of halibut bycatch rates could be tightened by increasing the sample size as shown in Figure 2. The shape of this graph shows that we can improve the bycatch estimate greatly by increasing observer coverage of the fleet up to about 20%, but beyond that point we gain relatively little precision for the effort expended. At the 20% level of fleet coverage, the precision of our halibut bycatch estimate would be 40.4 kg/mt plus or minus 15%, which would indicate that the "true" mean lies between 34 and 46 kg/mt. If that range is still unacceptably large, we can increase the sampling effort accordingly, but at greater cost.

4. What is the cost?

The approximate relationship between cost and observer coverage is illustrated in Figure 3. In 1987, a 20% level of observer coverage for the Kodiak bottom trawl fishery would

FLEET COVERAGE vs STATISTICAL PRECISION

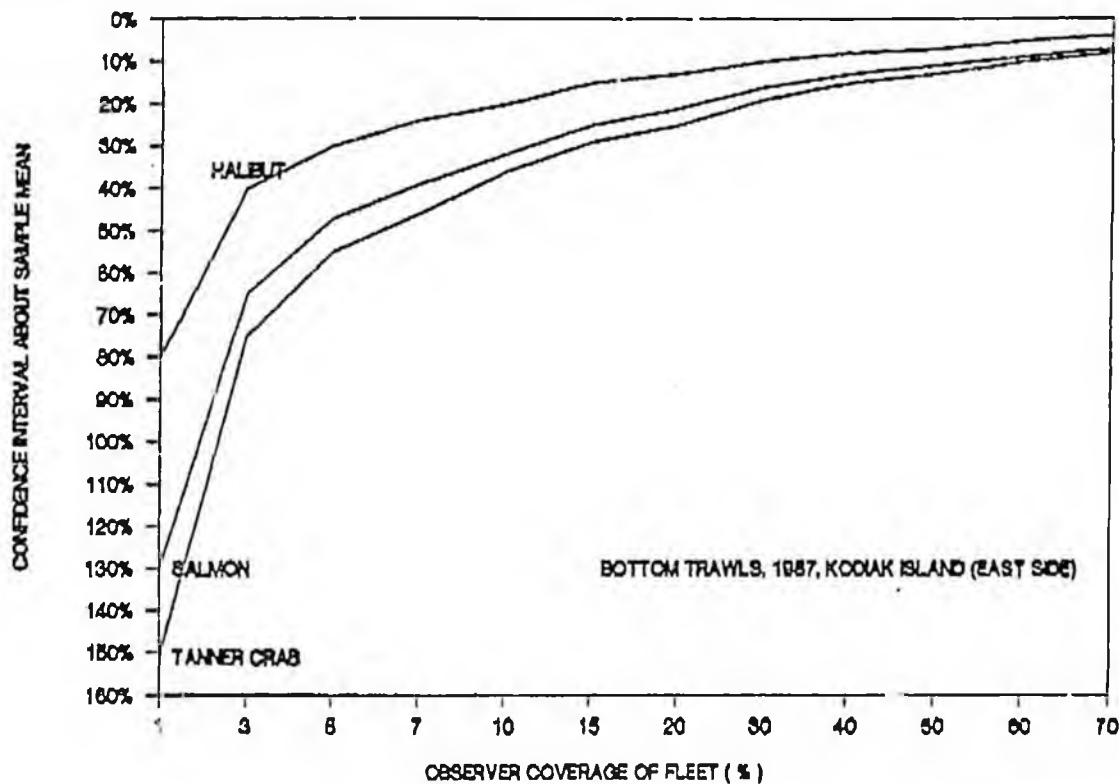


Figure 2. Relationship between observer coverage of the Kodiak bottom trawl fishery and the degree of statistical precision of the data obtained. This analysis is based on ADFG observer data obtained during 16 vessel trips in 1987. The graphs are species-specific because data variability differed for each species.

OBSERVER COVERAGE OF FLEET vs COST

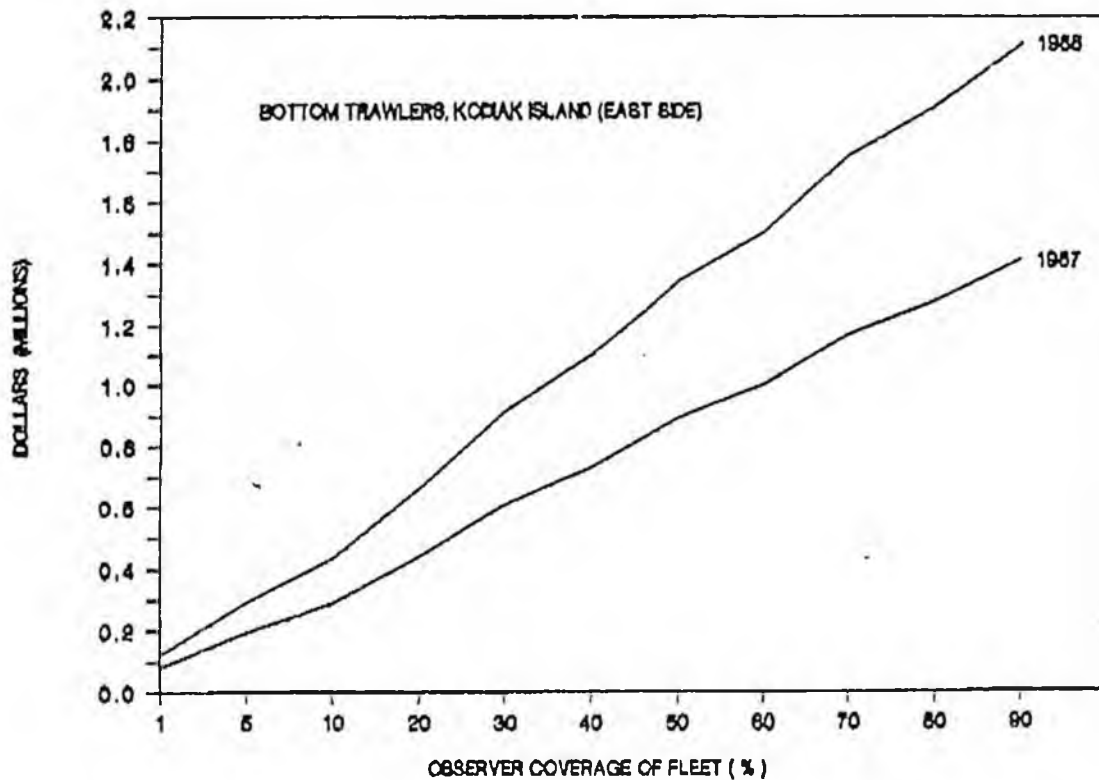


Figure 3. Relationship between cost and the amount of observer coverage for the Kodiak shore-based bottom trawl fishery. The derivation of the 1987 values was based primarily on the need for a steadily increasing number of observers (based on the assumption that each observer could complete 30 boat trips/year). The observers account for about 75% of the total budget at the high end of fleet coverage. Because the DAP will double from 1987 to 1988, costs projected for 1988 were arbitrarily calculated as being 1.5 times greater than costs in 1987.

cost about \$450,000. In 1988, the cost increases to roughly \$650,000 because the DAP doubled between 1987 and 1988, and therefore there will be many more landings in 1988.

Although we don't have \$650,000 in our budget, things are not quite as bleak as they appear. If we could combine the domestic observer data being gathered by both state and federal programs, together with assistance from the fishing industry, the picture would improve considerably. These programs together will approach the 5-10% level of coverage for the 1988 Kodiak bottom trawl fishery.

As shown in Figure 2, there is much statistical precision to be gained by combining state and federal databases because we are currently at the low end of the graph (i.e., low observer coverage of the fleet). Otherwise, we will end up with two separate and relatively imprecise estimates of bycatch for the same fishery. This point clearly re-emphasizes the need for continued efforts to create a unified state/federal database for DAP observer data.

Two final points. First, it is important to remember that the above discussion pertains only to one segment of the DAP (i.e., the Kodiak shore-based bottom trawl fishery), although this fishery is one of the largest segments of the DAP. Second, Figure 3 can also be used to obtain a cost estimate for an enforcement program for this particular fishery. A 90% coverage translates into a price tag of about \$2 million.

cc. Fred Gaffney, ADFG
Dana Schmidt, ADFG
Alan Johnson, ADFG
Claurence Pautzke, NPFMC
Robert McVey, NMFS
Rich Marasco, NPFMC
Ron Dearborn, SeaGrant
Kodiak Groundfish Advisory Committee

Acknowledgments

Alan Johnson provided the statistical basis used to generate Figure 2.

HJR

64

HOUSE COMMITTEE REPORT

(9)

Date referred: 3/16/88

FURTHER REFERRALS:

DATE: 3-23-88

The Resources Committee has considered HJR 64

Relating to Alaska's participation in the bottomfish fisheries and other benefits from the Exclusive Economic Zone of the United States off the coast of Alaska.

RECOMMENDS:

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

ADOPTS: [] _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [] fiscal impact [] same as previous fiscal note published _____
[] zero fiscal note [X] same as previous zero fiscal note published _____
[] zero with analysis

SIGNING DO PASS:

Adelheid Herrmann
Jan G
Mike Savary
Lynn Hoffman
Cliff Davidson

SIGNING OTHER RECOMMENDATIONS:

Adelheid Herrmann
Chairman's signature

1 IN THE HOUSE

BY HERRMANN, SUND AND FLLIS

2

HOUSE JOINT RESOLUTION NO. 64

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

Relating to Alaska's participation in

6

the bottomfish fisheries and other

7

benefits from the Exclusive Economic

8

Zone of the United States off the coast

9

of Alaska.

10 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11

WHEREAS Presidential proclamation 5030 of March 10, 1983, established

12

sovereign rights in the United States over the living and nonliving natural

13

resources in a 200-mile Exclusive Economic Zone for the United States off

14

its coasts; and

15

WHEREAS the coastal states of the United States have substantial

16

expertise and experience in the management, conservation, and development

17

of the ocean and coastal resources off their shores; and

18

WHEREAS Alaska is uniquely dependent on its maritime resources and has

19

substantial experience in managing the resources off its shores and seeks

20

to participate in the benefits to be obtained from the Exclusive Economic

21

Zone; and

22

WHEREAS the residents of the coastal communities in the maritime

23

states have historically depended on the resources of the sea for their

24

livelihood as well as their sustenance; and

25

WHEREAS many of the coastal communities in Alaska are economically

26

distressed; and

27

WHEREAS many of the benefits normally realized from the Exclusive

28

Economic Zone, especially in fisheries, have not been fully realized by the

29

residents of the economically distressed coastal communities in Alaska; and

1 should ensure that the state and its economically distressed coastal commu-
2 nities share in the economic benefits realized from the development of the
3 Exclusive Economic Zone off the coast of the state.

4 COPIES of this resolution shall be sent to the Honorable Ronald
5 Reagan, President of the United States; to James Campbell, chairman, North
6 Pacific Fishery Management Council; and to the Honorable Ted Stevens and
7 the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young,
8 U.S. Representative, members of the Alaska delegation in Congress.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

1 IN THE HOUSE

BY HERRMANN, SUND AND ELLIS

2

HOUSE JOINT RESOLUTION NO. 64

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

Relating to Alaska's participation in

6

the bottomfish fisheries and other

7

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8

Zone of the United States off the coast

9

of Alaska.

10 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 WHEREAS Presidential proclamation 5030 of March 10, 1983, established
12 sovereign rights in the United States over the living and nonliving natural
13 resources in a 200-mile Exclusive Economic Zone for the United States off
14 its coasts; and

15 WHEREAS the coastal states of the United States have substantial
16 expertise and experience in the management, conservation, and development
17 of the ocean and coastal resources off their shores; and

18 WHEREAS Alaska is uniquely dependent on its maritime resources and has
19 substantial experience in managing the resources off its shores and seeks
20 to participate in the benefits to be obtained from the Exclusive Economic
21 Zone; and

22 WHEREAS the residents of the coastal communities in the maritime
23 states have historically depended on the resources of the sea for their
24 livelihood as well as their sustenance; and

25 WHEREAS many of the coastal communities in Alaska are economically
26 distressed; and

27 WHEREAS many of the benefits normally realized from the Exclusive
28 Economic Zone, especially in fisheries, have not been fully realized by the
29 residents of the economically distressed coastal communities in Alaska; and

1 WHEREAS Alaska wishes to ensure that further development of the Exclu-
2 sive Economic Zone will provide the maximum potential economic benefit,
3 particularly with reference to work for its residents, for the economically
4 distressed coastal communities in the state, and for the state at large;
5 and

6 WHEREAS Alaska wishes to ensure that, as the Exclusive Economic Zone
7 is developed, the interests of the state will be appropriately represented;
8 and

9 WHEREAS Alaskans want participation in fisheries before entry into the
10 fisheries is limited; and

11 WHEREAS it appears that many times entry is limited before Alaskans
12 are involved in the fisheries; and

13 WHEREAS there is substantial pressure on the bottomfish resources in
14 the Alaska Exclusive Economic Zone from non-Alaskan fishing interests; and

15 WHEREAS there could be great economic benefit to Alaskans from the
16 bottomfish fisheries off the coast of Alaska; and

17 WHEREAS many Alaskans have not had an opportunity to participate in
18 those fisheries; and

19 WHEREAS the federal government has already discussed limiting entry
20 into the Alaska bottomfish fisheries before Alaskans have begun partici-
21 pating;

22 BE IT RESOLVED by the Alaska State Legislature that entry into the
23 bottomfish fisheries off the coast of Alaska allow for no less than 50
24 percent participation by Alaskans in the bottomfish fisheries; and be it

25 FURTHER RESOLVED by the Alaska State Legislature that the State of
26 Alaska should enter into a partnership with the United States Government
27 for the management of activities, especially fisheries, in the Exclusive
28 Economic Zone off the coast of the state; and be it

29 FURTHER RESOLVED by the Alaska State Legislature that the partnership

1 should ensure that the state and its economically distressed coastal commu-
2 nities share in the economic benefits realized from the development of the
3 Exclusive Economic Zone off the coast of the state.

4 COPIES of this resolution shall be sent to the Honorable Ronald
5 Reagan, President of the United States; to James Campbell, chairman, North
6 Pacific Fishery Management Council; and to the Honorable Ted Stevens and
7 the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young,
8 U.S. Representative, members of the Alaska delegation in Congress.