

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6548 SENATE RESOURCES

952

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

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

FURTHER

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

DATE TURNED INTO OFFICE 4/17/89

4/11/89

Mr. President:

RESOURCES

Committee considered SJR 44

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

and recommended:

replace with CS _____ same title

attached amendment(s) and new title

_____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) attached zero fiscal impact

appropriation no FN attached Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Reik Halvord
McElroy
Kathleen
Julius S. Ingvaldsen
Robert H. Thayer
David

Debrae J. Johnson
Chair: signature and recommendation

Committee backup attached

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: SJR 44
PUBLISH DATE: _____

FISCAL NOTE

REQUEST: _____

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

AGENCY: _____
BRU: _____
COMPONENTS: _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

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

FUNDING: (THOUSANDS OF DOLLARS)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS:

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

PREPARED BY: Nancy Petersen, Staff, Senate Resources Committee

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

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF FISH AND GAME

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

OFFICE OF THE COMMISSIONER

March 9, 1989

Governor's High Seas
Advisory Group

Dear Members:

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

1. US/USSR

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

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

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

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

March 9, 1989

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

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

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

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

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

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

2. INPFC

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

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

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

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

The US government's response to this was that:

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

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

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

March 9, 1989

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

3. Taiwan Driftnet Talks

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

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

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

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

4. Committee Reports

ENFORCEMENT COMMITTEE

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

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

March 9, 1989

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

INTERNATIONAL ISSUES COMMITTEE

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

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

PUBLIC EDUCATION COMMITTEE

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

CONGRESSIONAL COMMITTEE

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

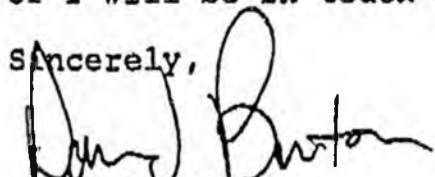
1. Magnuson Act Reauthorization. The state has instituted a process to develop proposed amendments and a draft will be presented to the Governor's High Seas Advisory Group for discussion when it is prepared. Hearings will probably occur in April.
2. Pelly Amendment. The Secretary of Commerce has responded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

March 9, 1989

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

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

Sincerely,



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

Enclosures



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

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

SEACOPS News Release - January 6, 1989

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

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

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

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

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

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

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

Holman stated, "We are strongly urging that our members continue to write and phone their representatives in Congress and the Canadian Parliament to express their outrage. Over 370 strong with Chapters in 5 communities, the rapid growth of SEACOPS is attributable to the frustration of having spent 20 years rebuilding our salmon stocks only to have them stolen from us by a completely unregulated Asian fishery

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

November 5-7, 1988

Held at
Institute of Oceanography
National Taiwan University
Taipei, Taiwan

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

November 5-7, 1988
Taipei, Taiwan

INTRODUCTION

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

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

LIST OF PARTICIPANTS

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

Taiwan Participants

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

U.S. Participants

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

Agenda

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

DOCUMENTS

Documents exchanged for discussions at the meeting were:

Documents Submitted by Taiwan

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

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

Documents Submitted By the U. S.

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

NATURE OF TAIWANESE SQUID FISHERY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SQUID-SALMON-SEA SURFACE TEMPERATURE RELATIONSHIPS

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

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

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

COOPERATIVE SQUID CRUISE IN 1988

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

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

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

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

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

SQUID OBSERVER PROGRAM

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

through an observer program on commercial vessels.

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

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

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

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

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

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

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

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

OTHER RESEARCH ACTIVITIES

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

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

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

FUTURE BILATERAL MEETINGS

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



Ann

ANDERSON

SENATOR 42ND DISTRICT

Majority Whip

APR 03 1989

March 20, 1989

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

Dear Senator Jones: *Lloyd*

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

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

Thank you for your assistance in this matter.

Sincerely,

Ann

Ann Anderson
Senator, 42nd District

AA:sdl

Enclosure

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

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

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

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8001

State of Washington 51st Legislature 1989 Regular Session
by Committee on Environment and Natural Resources (originally
sponsored by Senators Metcalf, Rasmussen, DeJarnatt, Sutherland,
Amondson and McMullen)

Read first time 1/24/89.

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

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

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

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

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

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

2 and steelhead resources; and

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

6 NOW, THEREFORE, Your Memorialists respectfully pray that:

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

Lawmakers seek sanctions for fishing violators

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

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

The nets, which can stretch up to 35 miles, have been used since the early 1980s by about 700 vessels from Japan, South Korea and Taiwan to catch squid, and Rep. Jolene Unsoeld D-Wash., introduced a non-binding resolution, backed by her House colleagues in the Washington delegation and Oregon's three Democratic House colleagues, urging Bush to impose trade sanctions if nations with such fleets refuse to "enter into negotiations with such nations to implement adequate driftnet monitoring and enforcement agreements."

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

"That's not fishing; that's indiscriminate slaughter," Unsoeld said the resolution "sends an unmistakable message that we want these pirates put out of business."

She said driftnet fleets are "stealing" an estimated 10,000 metric tons of salmon worth an estimated \$21 million annually.

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

By international agreement, driftnet fishing is limited to certain areas that are supposed to be well away from salmon grounds, but Unsoeld said that if Bush falls to act, she and other lawmakers were prepared to introduce legislation that would require trade sanctions.

Unsoeld said the regulations are ignored.

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

The secretary of commerce, under a 1987 law, has until June 29 to notify the president of any country failing to enter into such an agreement. Bush could then impose trade restrictions on imports of fish products from those countries.

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The Associated Press

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

Gasoline prices up again

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

OIL PRICES	
Per barrel	
Date	Price
April 11	\$19.54
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North Slope crude at Gulf of Mexico refineries

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McKenzle, 39, engineer-
"buying" air-
Plan. The airline industry
will see a greater separation
between ownership and oper-
ation, as we have seen
with real estate and hotels."
King added that GPA

and leases them to 64 air
lines in 32 countries.

Clients include Braniff
TWA, Pan Am, Midway
Royal Jordanian, Air Jama-
ca, and Bangkok Airways

RUBENS: Regulators say sell

Continued from Page D-1

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Wed. AP 12-1-89
Arch. Daily News

Oriental nets concern federal fisheries officials

By Greg Johnston

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

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

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

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

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

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

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

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

Outdoors

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

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

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

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

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

He also said that the plan

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

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

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

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

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

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

The Environment Ministry is taking public comments on the plan until Feb 20. Write Ministry of Environment: Recreational Fisheries Branch, 780 Blanshard Street, Victoria, B.C. V8V1X5.

"BIG MONDAY"

BIG EAST
Syracuse vs Georgetown
4:30PM

BIG TEN
Ohio State vs Iowa
8:30PM

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

SOUTHEASTERN ALASKA
SEINE BOAT OWNERS & OPERATORS

P.O. BOX 9579
KETCHIKAN, ALASKA
99901
mailing address

907-225-5156

728 WATER STREET
KETCHIKAN, ALASKA
99901

3/23/89

Senator Lloyd Jones

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

Please call if you have questions.

Sincerely

Kate Troll

Executive Director

FACT SHEET ON SALMON INTERCEPTION

Japanese Salmon Gillnet Fleet

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

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

Japanese Squid Gillnet Fleet

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

Republic of Korea Squid Gillnet Fleet

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

Taiwan Squid Gillnet Fleet

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

Legal Regime

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

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

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

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

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF FISH AND GAME

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

OFFICE OF THE COMMISSIONER

March 9, 1989

Governor's High Seas
Advisory Group

Dear Members:

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

1. US/USSR

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

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

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

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

March 9, 1989

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

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

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

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

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

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

2. INPFC

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

March 9, 1989

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

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

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

The US government's response to this was that:

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

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

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

March 9, 1989

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

3. Taiwan Driftnet Talks

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

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

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

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

4. Committee Reports

ENFORCEMENT COMMITTEE

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

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

March 9, 1989

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

INTERNATIONAL ISSUES COMMITTEE

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

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

PUBLIC EDUCATION COMMITTEE

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

CONGRESSIONAL COMMITTEE

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

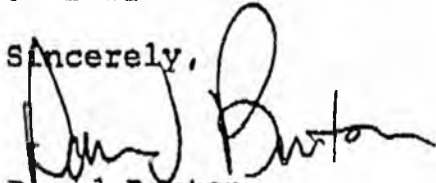
1. Magnuson Act Reauthorization. The state has instituted a process to develop proposed amendments and a draft will be presented to the Governor's High Seas Advisory Group for discussion when it is prepared. Hearings will probably occur in April.
2. Pelly Amendment. The Secretary of Commerce has responded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

March 9, 1989

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

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

Sincerely,



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

Enclosures

SOUTHEASTERN ALASKA
SEINE BOAT OWNERS & OPERATORS

P.O. BOX 9579
KETCHIKAN, ALASKA
99901
mailing address

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728 WATER STREET
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RUBENS: Regulators say sell

McKinzie, 38, engineer, financing and buying airplanes. The airline industry will see a greater separation between ownership and operation, as we have seen with real estate and hotels." King added that GPA

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

Continued from Page D-1

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ALASKA STATE LEGISLATURE

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




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

Senator Lloyd Jones

MEMORANDUM

TC: Senator Bettye Fahrenkamp, Chair
Senate Resources Committee

FROM: Senator Lloyd Jones 

DATE: April 17, 1989

SUBJECT: SJR 44

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

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

Both the Washington State legislature and the Washington State Congressional delegation have introduced similar resolutions.

I urge you to vote favorably on this resolution.

S J R

48

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

26th

Date of 5-DAY NOTICE 5-2-89
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER

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

5/1/89

DATE TURNED INTO OFFICE 5-3-89

Mr. President:

Resources

Committee considered SJR 48

preference for shore-based processors in the allocation of the fishery resources of the North Pacific

and recommended:

replace with CS _____ same title

attached amendment(s) and new title

_____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) attached zero

appropriation no FN attached

fiscal impact

Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Rick Halseth
Chas. K. ...
Paul ...
D. ...

Fulbrunn *Do Pass*
Chair : signature and recommendation

Committee backup attached

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Fish and Game
 Title: An Act relating to preference for shore-based processors BRU: Commercial Fisheries
 Sponsor: Zharoff Components: _____
 Requestor: Senate Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	0	0	0	0	0	0
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						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Roland Shanks Phone: 465-4100
 Division: Commissioner's Office Date: 5/3/89
 Approved by Commissioner: Orin Ellsworth Date: 5-3-89
 Agency: Fish and Game

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

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: An ACT relating to preference for shore-based processors
 Sponsor: Zharoff
 Requestor: Senate Resources
 Agency Affected: Fish and Game
 BRU: Commercial Fisheries
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	0	0	0	0	0	0
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						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Roland Shanks Phone: 465-4100
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 Legislative Finance
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 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

May 1, 1989

SENATE JOURNAL

p. 1579

SJR 48

SENATE JOINT RESOLUTION NO. 48 by Senators Zharoff, Sturgulewski, Binkley and Eliason,

Relating to a preference for shore-based processors in the allocation of the fishery resources of the North Pacific.

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

May 3, 1989

SENATE JOURNAL

p. 1627

SJR 48

The Resources Committee considered SENATE JOINT RESOLUTION NO. 48 (Relating to a preference for shore-based processors in the allocation of the fishery resources of the North Pacific) and a majority of the committee recommended it be replaced with

CS FOR SENATE JOINT RESOLUTION NO. 48 (Resources), Relating to a preference for shore-based processors and small coastal communities in the allocation of the fishery resources of the North Pacific.

and do pass. The report was signed by Senator Fahrenkamp, Chair, and concurred in by Senators Halford, Eliason, Zharoff and Frank.

Zero fiscal notes for SENATE JOINT RESOLUTION NO. 48 and the committee substitute published today from Department of Fish and Game.

SENATE JOINT RESOLUTION NO. 48 was referred to the Rules Committee.

AMENDMENT TO SJR 48

*Am #1
Pinkley
amendment*

insert on p. 3, after line 2:

WHEREAS the Americanization of the fisheries within the 200-mile limit has occurred so rapidly that most small coastal communities in Alaska have been unable either to enter these fisheries or to maximize their participation in them; and

insert on p. 3, line 9 after processors:

and small coastal communities

adopted

CS

Original sponsors: Zharoff, Sturgulewski,
Binkley, and Eliason

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SENATE JOINT RESOLUTION NO. 48 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - FIRST SESSION
5 Relating to a preference for shore-based
6 processors and small coastal communities
7 in the allocation of the fishery
8 resources of the North Pacific.
9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 WHEREAS the United States Exclusive Economic Zone (16 U.S.C. 1802)
11 contains fishery resources of tremendous value, both economically and
12 biologically, to the people of the United States; and
13 WHEREAS shore-based seafood processing plants in the state, through
14 employment, secondary processing, and fishery product sales, contribute
15 significantly to the economies of the Pacific Coast states; and
16 WHEREAS the ownership of shore-based seafood processing plants in the
17 state is highly diversified and broadly based, ranging from state residents
18 to multinational corporations; and
19 WHEREAS the people employed in the state's shore-based plants are a
20 large, diverse group that includes residents of Alaska, Washington, Oregon,
21 California, and many other states; and
22 WHEREAS the processing of seafood at shore-based plants is the founda-
23 tion of the economies of the state's coastal communities; and
24 WHEREAS shore-based seafood processing plants support the local econ-
25 omies, hire local people, buy products from resident fishermen, provide a
26 long-term source of tax revenue for state government, and provide a tax
27 base for local government; and
28 WHEREAS shore-based seafood processing plants represent a long-term
29 capital investment in the fishery resources of the North Pacific and are

1 designed for the stable, continuous, and sustained yield use of these
2 resources; and

3 WHEREAS shore-based seafood processing plants have the capability for
4 the full utilization of the harvested fish and the flexibility to engage in
5 the manufacture of a wide variety of valuable products from the fish; and

6 WHEREAS the discarding and waste of a North Pacific fishery resource
7 is unacceptable when it can be manufactured into valuable food products;
8 and

9 WHEREAS the harvest of North Pacific fishery resource is more reliably
10 and cost-effectively monitored when the product is delivered to shore-based
11 processing plants, resulting in more accurate biological data on which to
12 base resource management decisions; and

13 WHEREAS the factory-trawler and mother-ship fleet that operates in the
14 Exclusive Economic Zone of the North Pacific is difficult to regulate
15 because of the lack of adequate observer coverage; and

16 WHEREAS the factory-trawler and mother-ship fleet, without proper
17 controls, cannot be accurately monitored to determine the actual quantity
18 fish caught, species composition, and actual amount of fish discarded; and

19 WHEREAS this lack of information could jeopardize the accuracy of the
20 available data on the health of North Pacific fishery resources and could
21 result in the sudden and unexpected depletion of the resources; and

22 WHEREAS the depletion of the resources would cause major economic
23 dislocation in the state's coastal communities and in many communities in
24 the other states and would jeopardize the investments made to date in
25 Alaska's shore-based processing plants; and

26 WHEREAS the growth of the shore-based processing industry is con-
27 strained by limited land availability, lack of infrastructure, and the
28 limited availability of marine resources close to the shore-based opera-
29 tions; and

1 WHEREAS the factory-trawler and mother-ship fleet does not experience
2 these restraints on its growth and can exploit vast areas of the ocean that
3 are not accessible to shore-base operations; and

4 WHEREAS the americanization of the fisheries within the 200-mile limit
5 has occurred so rapidly that most small coastal communities in Alaska have
6 been unable either to enter these fisheries or to maximize their participa-
7 tion in them; and

8 WHEREAS the organization charged with overseeing and making recommen-
9 dations for the conservation, management, allocation, and utilization of
10 North Pacific fishery resources in the United States Exclusive Economic
11 Zone is the North Pacific Fishery Management Council;

12 BE IT RESOLVED that the Alaska State Legislature respectfully requests
13 the North Pacific Fishery Management Council to approve a fishery manage-
14 ment plan amendment that would grant shore-based processors and small
15 coastal communities a preference for the allocation of the harvestable
16 fishery resources of the North Pacific; and be it

17 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
18 quests the Secretary of the United States Department of Commerce to provide
19 final approval for this amendment.

20 COPIES of this resolution shall be sent to the Honorable Robert A.
21 Mosbacher, Sr., Secretary of the U.S. Department of Commerce; the Honorable
22 William E. Evans, Administrator of the National Oceanic and Atmospheric
23 Administration; the Honorable James W. Brennan, Assistant Administrator for
24 Fisheries, National Marine Fisheries Service; the Honorable John Peterson,
25 Chair of the North Pacific Fishery Management Council; and to the Honorable
26 Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the
27 Honorable Don Young, U.S. Representative, members of the Alaska delegation
28 in Congress.



SENATOR FRED F. ZHAROFF
ALASKA STATE LEGISLATURE

P.O. BOX 405, KODIAK, ALASKA 99615 (907) 486-5259

DURING SESSION:

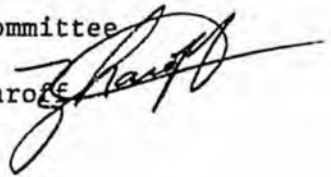
P.O. BOX V, JUNEAU, ALASKA 99811 • (907) 465-3473 • 465-3474

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

MEMORANDUM

TO: Senator Bettye Fahrenkamp
Chair
Senate Resources Committee

FROM: Senator Fred F. Zharoff 

DATE: May 2, 1989

RE: Senate Joint Resolution No. 48 - "Relating to a preference for shore-based processors in the allocation of the fishery resources of the North Pacific."

SJR 48 places the Alaska Legislature on record in support of a fishery plan amendment that would grant Alaska's shorebased processors a preference in the allocation of the resources within the North Pacific 200-mile limit.

The resolution is motivated, in part, by the closure of the Gulf of Alaska pollock fishery in March after only three weeks of fishing. In this situation, 17 factory-trawlers went on a fishing frenzy in pursuit of the roe (eggs) of spawning pollock. When they finished, they took over 60 percent of the pollock quota in the Western/Central Regulatory Area and left Kodiak's shorebased processors -- which had planned to process the pollock through the rest of the year -- high and dry. Unless corrective action is taken, the 1989 pollock season will be a preview of what may soon become a commonplace occurrence off Alaska's shores.

In the discussions that followed, several proposals were advanced to solve the problem. One of them was the shorebased preference amendment. The North Pacific Fishery Management Council (NPFMC) will consider the issue at its June meeting.

Alaska's best interests would be served by the adoption of this proposal. Shorebased processing plants represent a substantial investment in Alaska and in the longterm health and productivity of the resource. The factory trawler and mothership fleet, in contrast, is designed to roam the Exclusive Economic Zone, clean out the fish where it finds them, and then move on to the next location.

Because of the lack of observers, the fleet cannot be adequately managed. The actual amount caught, the actual amount taken of each species, and the amount discarded cannot be independently verified. A very real danger exists that the resource could be overharvested and depleted.

SJR 48 promotes an allocation system where the resource can be preserved and monitored, and where the wealth from its harvest will be distributed to the largest number of Alaskans.

The following backup information is attached:

1. The NPFMC's April newsletter. See the top of page 3.
2. News article about the Gulf of Alaska pollock fishery.
3. Letter from Mr. David Harville, a fisherman, and Mr. Reed Wasson, a processor.
4. Kodiak Fisheries Coalition position paper. See page 5 for discussion of shorebased preference.
5. Letter and resolution from the Kodiak Chamber of Commerce.
6. Letter from Gov. Steve Cowper.

RECEIVED APR 26 1989

North Pacific Fishery Management Council

①

John G. Peterson, Chairman
Clarence G. Pautzke, Executive Director



Mailing Address: P.O. Box 103136
Anchorage, Alaska 99510

605 West 4th Avenue
Anchorage, Alaska 99501

Telephone: (907) 271-2809
FAX (907) 271-2817

#2-89

NEWSLETTER

4/21/89

Groundfish Amendment Proposals Approved for Public Review

At its April 11-14 meeting the Council reviewed and approved for public review several proposed changes to the Gulf of Alaska and Bering Sea/Aleutian Islands Groundfish Fishery Management Plans. A Notice of Availability for the proposed amendments is included with this newsletter. The Council will take final action in June and submit those approved for Secretary of Commerce review and implementation. The Council also released to public review a revised salmon plan, a comprehensive data gathering program, and revisions to the Council's Statement of Organization, Practices and Procedures. The Council withdrew the proposed January 16, 1989 cut-off date for vessels entering the sablefish, groundfish, halibut, and crab fisheries, but will continue to move ahead with the development and analysis of future management alternatives. The Council directed its plan team to prepare an amendment to the groundfish plans that would prohibit roe-stripping in the pollock fishery. Details of these and other items are in this newsletter.

June Council Meeting Scheduled in Anchorage

The Council will meet June 20-23 at the Anchorage Sheraton to review public comments on amendments proposed to the Gulf of Alaska and Bering Sea/Aleutian Islands Groundfish Fishery Management Plans and determine which to send forward for Secretary of Commerce review and implementation. The Council will also review a draft amendment to prohibit roe-stripping in the pollock fishery, review draft alternatives to address full utilization of groundfish resources, and finalize technical descriptions of controlled access alternatives for sablefish. The Council will receive a revised status of stocks report for Gulf of Alaska pollock and determine if sufficient evidence exists to warrant increasing the Total Allowable Catch for the remainder of 1989. The Scientific and Statistical Committee and Advisory Panel will meet at the hotel June 18-19. A more detailed agenda should be available by June 2.

Council Sets Meeting Dates for 1990

The Council approved the following meeting dates for 1990, all to be held in Anchorage:

Week of January 15
Week of April 23
Week of June 25
Week of September 24
Week of December 3

The remaining 1989 meetings, scheduled at the Anchorage Sheraton Hotel are:

June 19-23, 1989
September 25-29, 1989
December 4-8, 1989

Council Withdraws Controlled Access Cut-off Date:
Moves Forward with Future Management Planning

The Council heard considerable public testimony against the January 16, 1989 cut-off date proposed at its January meeting. Industry voiced concern over the meaning of the cutoff and its impacts on their position in the fisheries and ability to obtain financing for ongoing or planned vessel construction or modification. The Council then voted to withdraw the proposed January 16, 1989 cut-off date but to continue with its previously adopted schedule of comprehensively considering alternative management regimes for the sablefish, groundfish, halibut, and crab fisheries. That schedule was published in the January newsletter and provides for the Council to make final decisions on sablefish this coming December, halibut next April, and groundfish and crab in December 1990.

Between now and the June Council meeting, the technical teams and Fisheries Planning Committee will further refine the design of two alternative management systems for sablefish and halibut: a license limitation system and individual fishing quotas. The workgroup will also complete a detailed projection of the fisheries and their management as they may evolve under continued open access.

The Council is scheduled in June to put final touches on the sablefish alternatives so the technical team can fully analyze them this summer. The sablefish alternatives and the analyses now are scheduled to be available for public review between the September and December Council meetings. The Fishery Planning Committee tentatively is scheduled to meet next in Juneau on May 18 and 19. Please contact the Council office for the exact time, location, and agenda.

Gulf of Alaska Pollock Issues

The Council heard extensive testimony from the commercial fishing industry about the practice of roe-stripping in Gulf of Alaska and Bering Sea groundfish fisheries. While this practice is not now prohibited, many in industry strongly oppose the waste of fish carcasses discarded after the roe is removed. The issue was exacerbated by the rapid harvest of the Gulf of Alaska pollock quota which closed the fishery on March 23 for the rest of 1989. Without additional pollock quota, representatives from Kodiak testified they will be unable to fully utilize shoreside processing capacity later this year. In addition, fishermen voiced concern that pollock taken as bycatch in cod or flounder fisheries must be treated as a prohibited species and discarded, a further waste of the pollock resource.

Recognizing the importance of this issue, the Council directed its plan team to develop for initial review in June an amendment to ban pollock roe-stripping in the Gulf of Alaska and Bering Sea/Aleutian Islands groundfish fisheries. A final Council vote on the ban will be scheduled for September following public review this summer. Any action the Council takes on the roe-stripping issue is intended to be in place by January 1, 1990.

Industry also requested that the Council take emergency action to increase the pollock Total Allowable Catch (TAC) in the Gulf of Alaska to allow retention of bycatch that will inevitably be taken in the Pacific cod and flatfish fisheries later this year. The bycatch is estimated to range from 3,000 mt to 11,000 mt. However, the Council decided to postpone consideration of this request until June when the results of the 1989 NOAA pollock survey and a report from State/Federal domestic observer programs will be available. There is serious concern over the health of the pollock stock in the Gulf and the Council wants to ensure that increasing the TAC will not harm this valuable resource. The industry testified that only minimal amounts of pollock will be taken between April and June so the delay would not greatly affect Kodiak processors. It's the Council's intent to take emergency action on the retention issue in June if an increased TAC can be supported by the new stock status information.

The Council also directed its plan teams to develop alternatives and a work schedule for prohibiting roe-stripping in groundfish fisheries other than pollock in the Gulf of Alaska and the Bering Sea/Aleutian Islands and for requiring full utilization of all species of fish under the Council's jurisdiction. The Council will review these alternatives in June and give instruction to the plan teams for further development. As with the ban on pollock roe-stripping, the Council plans on taking action in time to affect the 1990 fishing year.

Offshore - Inshore Groundfish Priorities to be Examined:
Council Calls for Industry Solutions

The rapid harvest of pollock in the Gulf of Alaska this year has heightened the controversy over inshore-offshore priorities to the groundfish resource and the Council voted in April to schedule a discussion on this issue at its June meeting.

The Council is soliciting proposals from industry on resolving the problem of mobile harvesting and processing operations competing on the more limited fish grounds available to stationary inshore operations. Proposals are due at the Council office by June 9.

At its June 20-23 meeting the Council will give direction for further development of the proposals received.

Directed Fishing/Bycatch Definition Adopted for Groundfish Species

In January the Council requested NOAA Fisheries to develop a draft regulatory amendment to replace an emergency rule that is in effect from March 28 to June 26, 1989. The emergency rule bases enforcement of bycatch limitations on retention and prescribes the following limits on the percentage that a bycatch-designated species can contribute to the overall catch on board the vessel:

- (a) 20% for all groundfish except sablefish in the Gulf of Alaska and Bering Sea/Aleutians.
- (b) 4% for long line sablefish in the Gulf of Alaska.
- (c) 20% for trawl caught sablefish in Gulf of Alaska.
- (d) 1% of groundfish/10% of Greenland turbot and Pacific ocean perch for sablefish in the Bering Sea and Aleutians.

The draft regulatory amendment presented by NOAA at the Council's April meeting based the enforcement of bycatch on retention from each haul and from the vessel's total catch. The draft regulatory amendment also prescribed new bycatch limits as a percentage of the catch. These were derived by NOAA based on past performance of the individual groundfish fisheries.

Based on suggestions from the Advisory Panel, the Council requested the Regional Director to refine the draft regulatory amendment such that it provides for enforcement based on sorted, retained catch on a tow basis and the amount of fish or fish products onboard. Retention would be defined as fish that has been sorted, is in any stage of processing, or has been preserved. To prevent "topping off" the Council recommended that enforcement of bycatch percentages be based on fish taken and retained within a trip or following any offloading. The Council's intent is to have bycatch rates sufficiently low to prevent "topping off" and yet not so low that true bycatch needs to be discarded and thus wasted. The Council's intends that the regulatory amendment be drafted in such a manner as to stop a vessel from accumulating catch from one area and using it in another to calculate the retainable amount of bycatch.

The current emergency rule will remain in effect until supplanted by the regulatory amendment. The Council approved extending the existing emergency rule for another 90 days through late September to accommodate the time needed to implement the regulatory amendment. When the regulatory amendment finally takes affect, "bycatch only" species will be retainable only in amounts equal to or less than the percentages of other species on board as shown in the accompanying tables. For example, if sablefish is designated bycatch in the trawl fisheries in the Gulf of Alaska, it can be retained up to an amount that is 5% of the pollock, Pacific cod, or flounder target fisheries or up to 15% of the rockfish fishery. In the Bering Sea and Aleutians trawl bycatches of sablefish are allowed up to 1% of the flatfish, Pacific cod, yellowfin sole, and pollock fisheries, and up to 10% for Greenland turbot and rockfish. The Council intends that the Regional Director be provided the leeway to adjust percentages within the range of 1% to 5% for sablefish taken while trawling for Gulf pollock.



WORLD'S WORST WAITER Customers hold him in high regard. Impulse, E-4

HARD TIMES
Recession hits restaurants
Lifestyles, D-1

'50s MADONNA
Pop star tries on another style
Impulse, F-1

BIG BOYS FALL
NCAA underdogs have their day
Sports, C



Anchorage Daily News

VOL. XLIV, NO. 83 88 PAGES

ANCHORAGE, ALASKA, FRIDAY, MARCH 24, 1989

PRICE 25 CENTS

Fleet dumps thousands of tons of fish

Pollock stripped of roe, then tossed; huge catch prompts closure of Gulf of Alaska fishery

By HAL BERNTON
Daily News reporter

A factory trawler fleet massed off Kodiak this month scooped up more than 37,000 metric tons of pollock, but some of the ships kept only the valuable roe and dumped overboard thousands of tons of edible flesh.

The fishing frenzy of the 17-boat, Seattle-dominated fleet helped trigger Thurs-

day's unexpected shutdown of the major Gulf of Alaska pollock harvest and raise new questions about the ethics of deep-sea fishing.

"When the world is starving, the factory trawlers have decided to discard protein," said John Sevier, superintendent of the Alaska Pacific Seafoods, a Kodiak shore processor that uses the meaty flesh to manufacture

surimi. "It's wanton waste."

The closure order was issued by the National Marine Fisheries Service after determining that the entire year's Gulf harvest quota for pollock had been taken. The order is an economic blow to Kodiak, whose fishermen say their pollock season normally lasts through December and employs hundreds of people to harvest and pro-

cess the fish.

"This is the Seattle-ization of our fisheries," said Dave Harville, an island fisherman who serves shore-based plants with three boats. "They took our fish and shut down their competition. Now, they're going to go on out to the Bering Sea and fish the rest of the year. But we can't move our island."

This year was the first time the U.S. factory fleet, which both catches and processes fish, has showed up off Kodiak. They were lured to the Gulf by the pollock roe, which fetches a high price from Japanese consumers. And in about a month's time, the fleet caught and processed about 60 percent of an annual harvest quota that last year went entirely

to shore-based plants.

The roe-stripping tactics of the factory fleet helped speed up the processing, according to Tyson Vogeler, a Kodiak-based North Pacific Fishery Management Council official attempting to monitor the harvest. Many ships reported spectacular catches of 500 to 900 metric

Please see Back Page, FISHERY

STUDENTS TAKE THEIR EXAMS UNDER THE GUN



Poaching probe riles villagers

Angry crowd confronts officer; evidence in case disappears

By CRAIG MEDRED
Daily News reporter
An Alaska Fish and Wildlife Protection

2

THE BACK PAGE

FISHERY: Fleet dumps thousands of tons of pollock after taking roe

Continued from Page A-1

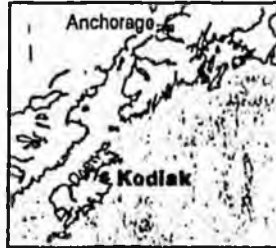
tons per day, according to Vogeler.

The only way to handle such daily volumes of fish is to speed up the processing by cutting out the high-value roe, and jettisoning — rather than salvaging — the relatively low-value flesh.

Vogeler said precise data on roe-stripping was impossible to get because the U.S. factory ships — unlike foreign factory ships that used to dominate the fishery — don't have to carry federal observers.

Ted Evans, executive director of the Seattle-based Alaska Factory Trawlers Association, confirmed that at least some of the ships were roe-stripping. He said he didn't know how many.

Evans said he didn't like the waste but pointed out that federal regulations allow the practice. Foreign factory ships that used to fish off Kodiak also jettisoned pollock flesh, he said. And this year, at least one shore-based processor also



was wasting pollock meat, he said.

"What degree of waste is acceptable," Evans said. "There are all kinds of philosophical viewpoints on that and we are certainly willing to participate in that debate."

Kodiak industry officials acknowledge that some fish were stripped in town and the carcasses hauled out to sea for dumping. But they say much more fish was wasted on the high seas, and such waste adds insult to the economic injury of the closure.

"There's a gigantic rape of the resource, that's what going on," said Reed Was-

"They took our fish and shut down their competition. Now, they're going to go on out to the Bering Sea and fish the rest of the year. But we can't move our island."

— fisherman Dave Harville

son, president of Kodiak-based Eagle Fisheries.

John Peterson, the chairman of the North Pacific Fishery Management Council, the group that helps regulate the harvest, also questions roe stripping.

"It's just not right in my opinion to waste the fish that way," Peterson said. He would welcome proposals to end the practice, he said.

In the most efficient of factory and shore-based plants, almost all of the fish can be utilized. Flesh is processed into filets, surimi or other products. And guts, heads, skin, bones and tail are made into fish meal or fertilizer.

Jeff Stephan, manager of the Kodiak-based Alaska Fishermen's Marketing Association, said his group introduced a proposal to force processors to use more of the fish, but the council has not yet seriously considered it.

The arrival of the Seattle factory fleet off Kodiak reflects the final phase of Americanization that has allowed U.S. fishermen, with first claim to the resource, to push almost all foreign ships out of the Alaska bottom fishery.

The fishery is conducted according to federal regulations that offer U.S. shore-based processors no preference over U.S. factory ships.

All must fight for a share of a pre-set annual quota.

Up until this year, U.S. factory ships chose to stay out of the Gulf of Alaska to concentrate on much larger Bering Sea fisheries, where pollock also have been stripped of roe. That allowed shore-based processors in Kodiak to prosper by contracting with small catcher boats to bring the fish onshore for processing.

This year's quota would have been enough to keep the Kodiak plants operating through December. If they processed at the same rate as last year, according to National Marine Fisheries Service statistics.

Instead, unless the council decides to reopen the fishery, they will process a more limited harvest of cod, flat fish, halibut and other species.

To prevent a repeat of 1989, Kodiak fishermen will ask the council to form a special fishing zone in the Gulf, according to Harville. The plan would require boats that choose to fish the

Gulf to remain there the entire year.

"If you want to fish in the Gulf, fine, but you can't then turn around and head for the Bering Sea," Harville said.

Meanwhile, Kodiak fishermen, as well as others in the industry, are pressing for new federal or industry funding to finance a greatly expanded observer program.

Peter Craig, a Kodiak-based state fishery official, said the observer program would help document waste that ranges beyond pollock.

Rock sole, another marketable fish, frequently is stripped of roe and the flesh wasted, Craig said. And many fish are tossed overboard by both factory trawlers and smaller catcher boats because they are too small to fit the processing machinery. The undersized fish are supposed to be reported as part of the catch, but some boats routinely flout the law, he said.

"Everybody ... has a waste problem," Craig said.

FISCHER: State gets repayment check

Continued from Page A-1

the Daily News in a story earlier this month outlining Fischer's practice of spending state money in ways that benefitted him personally and politically. The story reported that Fischer had requested and cashed the check and that an aide, who owned the car, was not paid. Fischer said then he could not remember details of the transaction and in the past two weeks his story has changed several times.

While aides are not eligible for moving expenses, Fischer said March 6 that he had written a check to his aide. He could not produce a canceled check.

On March 13 he said he

cashied the check or what happened to the money. "It should never have happened," he said.

Fischer wouldn't say anything more about the money.

He reimbursed the state after a telephone conversation last Friday with Warren Endicott, executive director of legislative affairs, according to a memorandum Fischer submitted with his check.

"It was his offer. I didn't call him and ask for the money," Endicott said. "He could not properly account for the money and he had decided he better pay us back, which I think obviously was the correct thing to do."

he did on state trips, some of which took him to Minnesota and Ohio, where he visited a daughter, and to Anchorage, where he attended oil company fund-raisers.

But he said he would keep the records confidential until investigations into his spending habits have been completed.

The legislative ethics committee has received a complaint against Fischer and is likely to launch an investigation soon, according to committee chairman Pat Pourchot. And Wednesday the Alaska State Troopers began a preliminary criminal investigation of Fischer.

Fischer told reporters Thursday that the

POACHING CASE: Villagers angered

Continued from Page A-1

the village in the Yukon Delta National Wildlife Refuge.

Refuge manager Ron Perry said it has been impossible to tell exactly how many caribou were killed there because poachers hide the carcasses.

"They drag them down, and they bury them (in the snow)," he said.

The caribou were part of a small herd the refuge had been trying to protect. Villagers in the area had agreed to leave the animals alone so that the herd might grow and help repopulate the entire Kuskokwim River delta, Perry said.

"It was for the good of all the people," he said, "so we can have some sort of (hunting) season here in the future."

Hunting has been prohibited in the Kilbuck Mountains for the past three or four years to protect the caribou.

Game biologists hostage in the community hall for most of a day in 1987. The biologists were later released unharmed.

Soll said Gibbens wanted to avoid a similar problem, but didn't want to leave villagers with the impression they could intimidate a law enforcement officer. Soll praised the officer's handling of the incident.

Gibbens locked his evidence in a warehouse and the Quinhagak police station while waiting for the back-up troopers. But the evidence disappeared while Gibbens and the other officers were meeting with villagers at the town hall, according to Farber.

Snowmachines, sleds and caribou meat were taken from the locked warehouse, and firearms believed to have been used in the killing of the caribou were taken from the evidence locker at the Quinhagak Police Department, Farber said.

KODIAK, ALASKA
March 23, 1989

: BY FAX: 271-2817

North Pacific Fishery Management Council
P.O. Box 103136
Anchorage, Alaska 99510

Attn: Mr. Clarence Pautzke, Executive Director

Re: Future of Groundfish

Gentlemen:

The closure of the pollock fishery in the Central Gulf today has brought into very sharp focus the impact of the growing factory trawler fleet on the bottomfish resource and the Alaskan fishing communities. As you know, during the past few years the fishing fleet and processing plants in Kodiak, Dutch Harbor and other Alaskan ports have made major investments in the Alaskan bottomfish resource. Eagle Fisheries and its fishing fleet, comprised mainly of trawlers long associated with the Kodiak & Western Trawler Group, have dedicated their operations to developing this resource as a long-term shore-based industry. From all indications, the town of Kodiak and other coastal communities in Alaska have benefitted greatly from bottomfish revenues, and a new level of year-round seafood processing employment has been achieved.

This recently born bottomfish industry is now reaching a crucial watershed which threatens its continued existence. The National Marine Fisheries Service has now closed the Central/Western Gulf to pollock fishing for the remainder of 1989 -- the entire 60,000 MT quota has been taken, harvested in substantial part by at least 10 factory trawlers in this area. Reportedly, most of these factory trawlers have been stripping the roe and discarding the rest of the fish: a clear cut case of wanton waste.

In one giant-step, Alaskan Gulf pollock has moved from a year-round fishery supporting numerous Kodiak plants, to a three-month fishery dominated by a roe-stripping factory trawler fleet. The handwriting is on the wall: without a drastic change in the way our fishery is regulated, the rest of the Alaskan bottomfish will soon go the same route.

In our opinion, the key issue for consideration regarding the future of groundfish is not limited entry, but limiting the destructive potential of the factory trawler fleet before both the bottomfish resource and the Alaskan shore fleets and plants have been eliminated.

Recently we have both talked to fishing skippers who have been working, or have close friends working, on the floating processors now operating in the Gulf of Alaska. They were appalled at the extent of waste which routinely takes place on these processors, and estimated that for every pound of fish processed, two or three pounds are thrown away. One particularly egregious example cited was a 50,000 lb. tow of

mixed flatfish of marketable species and sizes, where all but 4,000 lb. of roe-in rock sole were ground and discarded.

Reportedly, several skippers and mates who came to Alaska from New England have quit in disgust over this mode of operation. It seems that some New England fishermen, having suffered through years of a declining fishery, are more aware of the vulnerability of any fishery to wasteful highgrading. Will it be necessary to allow decimation of the Alaskan resource before imposing meaningful conservation regulation?

Part of the problem seems to be that many of the smaller floating processors lack the space, equipment and manpower to process anywhere near their catching capacity, or to undertake anything as time consuming as filleting fish. Apparently, the typical solution to this mismatch of fishing and processing capacity is not to fish less, but to throw out all but those species which are most valuable and can be frozen in a form requiring minimal handling. Stripping out pollock roe and discarding the pollock, or keeping roe-in rock sole and throwing away the other sole, are both symptoms of the same disease. Unfortunately, the tremendous fishing capacity of the factory trawler fleet makes this disease a potentially deadly one. With this kind of shortsighted fishing, a resource with decades of potential could last only a few years.

Another part of the problem lies in the mobility of the factory trawlers: they can decimate the fish schools in any given area with no immediate impact upon themselves; they can simply move on to another area and repeat the process. The shore plants and shorebased fleet in Alaska cannot move this way, and have a much stronger incentive to conserve the local fish stocks to allow continued operations here.

Indeed, the mobility of the factory trawlers allows them to operate in a predatory manner to shut down an entire town or area of shore-based competition, and then move on to other areas, leaving behind a decimated shorebased harvesting and processing economy. In the present situation they appear to have succeeded in closing down the two major surimi plants in Kodiak for the rest of 1989, as well as a number of pollock filleting operations. It appears necessary to impose some form of area restrictions to create an incentive for the factory trawlers to fish more responsibly, and to prevent them from intentionally destroying the shore plants and communities.

Eagle and its fleet have invested much time, money and energy learning to harvest and process Alaskan Gulf flatfish for the U.S. market, developing a new use for this previously underutilized resource. With its flatfish filleting program, Eagle Fisheries can buy and process all commercial Alaskan Gulf flatfish species and thus minimize waste of the resource, and we are very concerned about the information now becoming known about wanton waste of flatfish by the factory trawlers. Fish which could be utilized by Eagle and other Kodiak plants to build a long-term industry is being wasted in huge quantities.

Unless a comprehensive observer program and appropriate fishing restrictions are imposed upon the factory trawlers in the near future, the long-term viability of the Alaskan Gulf bottomfishery, including flatfish, appears to be in serious jeopardy. Eagle and its fleet have

agreed to fund an observer program administered by the Alaska Department of Fish & Game, and there is no reason that the factory trawlers should be exempt from observers and conservation rules.

In our view, a bottomfish conservation program ought to include the following elements:

(1) Full-time observer coverage aboard every floating processor, administered by a governmental agency and paid for by the processor.

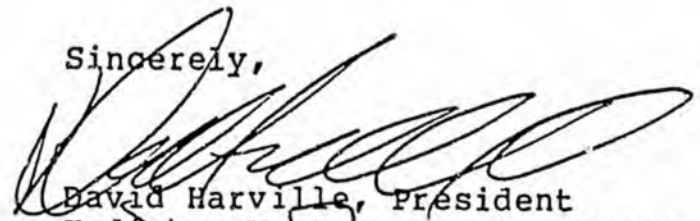
(2) Limitations on the percentage of fish discarded. If the percentage limits are exceeded, operations must shut down for a specified period.

(3) Daily catch limits not to exceed a specified percentage of the floater's actual daily processing capacity, to prevent built-in waste of fish that cannot be processed.

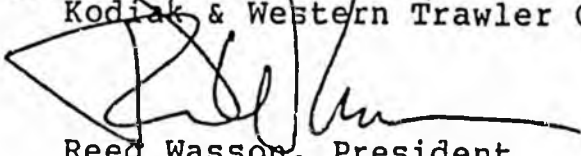
(4) Establish exclusive registration zones and require each floating processor to register for one zone and fish exclusively within that zone, in order to create an incentive to fish with more regard for long-term preservation of the resource.

If the factory trawlers are not willing to operate with these safeguards, then they should be excluded from the Gulf of Alaska entirely before their massive depredations destroy any remaining bottomfish potential for Kodiak and other Alaskan coastal fishing communities.

Sincerely,



David Harville, President
Kodiak & Western Trawler Group



Reed Wasson, President
Eagle Fisheries L.P.

CENTRAL/WESTERN GULF POLLOCK MANAGEMENT

POSITION PAPER

KODIAK FISHERIES COALITION

(A coalition of Kodiak processors and fishermen's associations)

BACKGROUND

What Happened

In December 1988 it was anticipated that the 1989 Central/Western Gulf of Alaska pollock quota, set conservatively at 80,000 MT, would meet the year's production requirements of the Kodiak shorebased processors.

On March 23, 1989, pollock fishing in the Central/Western Gulf of Alaska closed because the entire 60,000 MT quota had been harvested.

Why It Happened

1. At-sea Processing Effort Greater than Anticipated

An estimated 38% or 23,000 MT of the Central/Western Gulf of Alaska pollock quota was taken by shorebased processors. An estimated 62% or 37,000 MT was taken by at-sea processors.

In past years no more than two at-sea processors targeted the Central/Western Gulf of Alaska pollock stocks during any one month.

2. Roe Stripping Increased Rate of Harvest

Some of these vessels "roe-stripped" -- removed the pollock roe from the females and threw both the female carcasses and the male fish overboard.

Roe stripping allows a processor to run through 2.5 to 3 times more fish in a given time than if the processor were fully utilizing the fish for fillets, surimi or meal.

An at-sea processor is also able to run through more fish before offloading by keeping only the roe onboard than if he had to allocate space and processing time for fillets, surimi or meal.

3. Data on the Gulf of Alaska Pollock Biomasses Is Inadequate

The last bottom trawl survey on Gulf of Alaska pollock was made in 1987. It indicated declines in the stocks in the Western Gulf and increases in the biomass in the Kodiak area.

Subsequent analysis of 1987 and 1988 ADF&G data indicated continued increases in the Kodiak area pollock biomass.

The Shelikof Strait hydroacoustic data indicated a dramatic decline in the spawning aggregations during the sampling period. However, there are indications that the hydroacoustic survey did not sample during the peak of the spawn.

When the pollock fishery was a joint venture fishery conducted only in Shelikof Strait during the spawning period, the hydroacoustic survey was considered adequate.

Now that the bulk of the fishery has shifted to the East side of Kodiak Island and the Trinity Island area, the hydroacoustic survey no longer represents the stocks being harvested. Nor did the 1988 hydroacoustic survey represent the findings of the 1987 bottom trawl survey.

We note the following in the December 4-8 Draft Minutes from the North Pacific Fishery Management Council's Scientific and Statistical Committee (SSC):

- A. "Because the available indicators of stock strength are inconsistent, the team was unable to determine an ABC for the Gulf of Alaska pollock.
- B. "The data are insufficient to allow this action" (setting the ABC based on the 1987 bottom trawl survey).

The SSC did not set an ABC, but did recommend a Central/Western Gulf of Alaska quota of 10% of the 1987 bottom trawl survey -- 80,000 MT. The SSC also noted that new information would be available in June from the port sampling, observer and hydroacoustic programs conducted out of Kodiak February - March.

4. No Regulatory Relief Was in Place

The potential for at-sea processors to adversely impact coastal communities has been recognized by all elements in the fishing community. While several efforts were made to mitigate the potential through regulatory action, none of the proposed actions were in place for the start of the 1989 season.

- A. Single Species Rule for Gulf of Alaska: This would allow NMFS to close any directed fishery before the TAC is reached to allow enough of the species for retainable bycatch in other fisheries.

The Single Species rule is designed to prevent waste.

NMFS is in the process of implementing the Single Species Rule for the Gulf of Alaska by regulatory amendment, but that amendment is still in process.

- B. Requiring full utilization of pollock: This proposal would have prohibited roe stripping and slowed down the rate at which pollock were harvested in the Central/Western Gulf of Alaska.

The Full Utilization proposal requires a plan amendment. It was given a low priority by the North Pacific Fishery Management Council and therefore was not in the system and could not be put in place by emergency regulation for the 1989 season.

Efforts are now in progress to assure that this regulation is in place for the 1990 season.

- C. Quarterly allocations: This was also proposed this year, but was given a low priority. Considering the rate at which the Central/Western Gulf of Alaska pollock were harvested in 1989 this probably would not have mitigated the current situation.
- D. Non-Specific Reserve: NMFS has recommended in the past that a portion of the total Gulf of Alaska TACs be put into a non-specific reserve to allow NMFS flexibility to meet situations such as the current closure of the pollock fishery.

Were there a non-specific reserve, pollock could have been immediately released for retainable bycatch in the other groundfish fisheries, eliminating the waste of throwing dead pollock overboard while targeting on Pacific cod.

IMPLICATIONS

1. Employment

The March 23 closure of the Central/Western Gulf of Alaska pollock fishery has eliminated work for at least 1,000 plant employees in Kodiak and up to 40 vessels, their crews and families.

Though the Kodiak processors will soon have herring to process, by fall 1989, if there are not additional releases of pollock, there will be no work at all for the processing plants. This affects the entire Kodiak community. Not only will the retail and service segments share in the financial downturn, families facing little or no income will bear and suffer both the economic and the concomitant social costs.

2. Investment

The Kodiak fishing industry is accustomed to fluctuations in stock abundances. However, the shorebased industry has historically expected that it reasonably could depend on harvesting the stocks within reach of the shorebased plants.

Therefore, if the biological data indicates a stock is in good shape and has good recruitment, a processor or vessel owner historically could reasonably plan on working on that stock for several years into the future.

However, when at-sea processing has the potential, as proven in the 1988 Gulf pollock fishery, to substantially reduce the fish available for the shorebased operations, investment decisions become impossible to make in any rational manner.

For example, the Kodiak processors are in the process of planning for substantial investment to upgrade the jointly owned meal plant. Without some assurance that their operations will be able to take the local pollock quota, it becomes impossible to determine if there will be any return on the investment.

The net result is to hinder or actually stop investment to upgrade shorebased operations and increase the return on fish processed onshore.

The same lack of security also has implications for investments to upgrade at-sea operations.

Further, within coastal communities whose economies are dependent on their shorebased processing industry, all other segments such as retail stores, service industries and local governments are adversely effected by uncertain and insecure investment climates.

3. Economics

The result of unmoderated competition between at-sea processors and shorebased processors for the same resource in an area is to shift any economic benefit from an entire coastal community to the at-sea processor and disperse any economic benefits among many areas, none of which are dependent on that economic benefit.

Where economic resources are lacking to provide employment and the tax base for essential services the need for social services escalates rapidly.

This is why the Magnuson Fisheries and Conservation Act includes under "Purposes" that regulations under the Act must "take into account the social and economic needs of the States" and under "Policy" directs that management under the Act "is responsive to the needs of interested and affected States."

Elsewhere in the MFCMA there is language directing management to include socio-economic considerations.

4. Statewide

The situation created in the 1989 Central/Western Gulf of Alaska pollock fishery has dire implications for every Alaskan community.

The sequence of events dramatically demonstrated:

1. A coastal community can lose its economic base to at-sea processing.
2. There is no regulatory relief or help possible under the current regulations.
3. The situation can occur more quickly than anyone anticipated and more quickly than any agency can act.

KODIAK COALITION PROGRAM

To address the current loss of the Central/Western Gulf pollock fishery, the long range health of not only the pollock stocks, but all marine resources, and the economic health of coastal communities, the Kodiak Coalition makes the following recommendations:

1. There must be a shorebased preference policy in place as soon as possible to offer some degree of security to coastal communities.

The policy should recognize that

- A. a large percentage of Alaska's fisheries lay in waters accessible only to at-sea processors;
- B. coastal communities in the State of Alaska are dependent on the resources of the waters of the continental shelf as defined by the Magnuson Act;
- C. substantial investment in fish harvesting and processing exists in coastal communities;
- D. the MFCMA intends that the socio-economic impacts of management decisions on States and segments of the industry be considered in management decisions;
- E. shorebased processing effort is constrained by availability of land in most coastal communities as well as availability of resource within a defined area;
- F. at-sea processing effort has no such constraints;
- G. all other nations have felt it in their national interests to protect the welfare of their coastal communities and onshore processing facilities.

2. Require full utilization of all fish harvested

At present the roe pollock stocks are the only stocks which appear to be stripped for roe and discarded.

A regulation requiring full utilization should be in place before the 1980 roe season.

3. The Council should move swiftly to assure data collection using the best scientific methods, including observer coverage, from all segments of the industry, even if industry must bear the cost of the data collection.

A proposal along these lines is already before the council and the Kodiak Coalition urges its rapid implementation.

The Coalition also urges Congress and NMFS to provide funding for an observer program.

4. Allow for retention of pollock in the Pacific cod fishery

Because Pacific cod feed on pollock there will be during the next few months a pollock bycatch in the Pacific cod fishery.

Because pollock have a lower exvessel value than Pacific cod there is no incentive to target pollock.

The pollock are dead when they are brought onboard, so there is no value to discarding the pollock.

Discarding pollock at-sea deprives managers of information on the amount of pollock taken.

An emergency regulation or inseason adjustment should be made as rapidly as possible to allow the retention of pollock taken as bycatch.

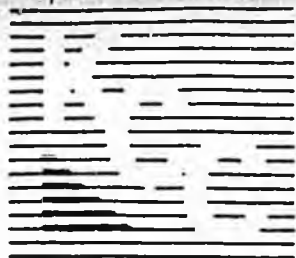
5. NMFS should analyze the recent observer and survey information as rapidly as possible so that an analysis of the status of stocks is available at the June Council meeting for a determination of whether the pollock TAC should be raised.

If the data indicates that additional pollock may safely be released, the release should be made in time for the fall fishery -- approximately September 1.

The undersigned are in accord with the above statements and program of action and urge the State of Alaska, Congress, National Marine Fisheries Service and the North Pacific Fishery Management Council to assist in implementing all five action programs with minimal delay.

Signatures supporting the Kodiak Coalition Position Paper:

Signature	Name (Printed)	Affiliation
<i>Neil Shuckrow</i>	NEIL SHUCKEROW	INTERNATIONAL SEAFOOD OF ALASKA, INC.
<i>Dan James</i>	Dan James	Kodiak Reduction, 1110
<i>Bob Pfeuffer</i>	BOB PFEUFFER	COOK INLET PROCESSING
<i>Craig Priebe</i>	CRAIG PRIEBE	EAGLE FISHERY
<i>John Sevier</i>	JOHN SEVIER	ALASKA PACIFIC SEAFOODS
<i>Kenneth M. Allread</i>	KENNETH M. ALLREAD	WESTERN ALASKA FISHERY
<i>Dave Woodruff</i>	DAVE WOODRUFF	ALASKA FRESH SEAFOOD
<i>James Matton</i>	JAMES MATTON	EAST POINT SEAFOOD
<i>Jeffrey R. Stephan</i>	JEFFREY R. STEPHAN	UNITED FISHERMEN'S MARKETING ASSOCIATION, INC.
<i>Timothy J. Holt</i>	Timothy J. Holt	All Alaskan Seafoods Inc.
<i>Stuart Lutton</i>	Stuart Lutton	King Crab Inc



**KODIAK
CHAMBER
OF COMMERCE**

FILE COPY

P.O. Box 1485, Kodiak, Alaska 99615 (907) 486-5557

April 6. 1989

John Peterson, Chairman
NORTH PACIFIC MANAGEMENT COUNCIL
P.O. Box 103136
Anchorage, Ak 99510

Dear Mr. Peterson,

The Board of Directors of the Kodiak Chamber of Commerce wish to go on record as supporting the position paper of the Kodiak fisheries coalition, on the Central/Western Gulf pollock management.

The Kodiak fisheries coalition is a group of Kodiak Processors, fishermen's associations and business people united to present the Kodiak Island communities position on the closing of the pollock fishery in the Gulf of Alaska.

The Kodiak Chamber of Commerce is a non-profit membership organization of business and professional men and women working together to promote the civil, commercial, and industrial progress of Kodiak. To that end, the Chamber has fully supported the Americanization of the 200 mile economic zone created by the Fishery Conservation Management Act.

As part of the support of the Americanization of the fishery the Chamber has consistently stated that the processing of the bottom fish resource must come on shore.

Until the events of late March, the shore based processing capacity was developing as scheduled.

The following statement from the coalitions position paper succinctly sums up the implications to the Kodiak Island Community. "The March 23 closure of the Central/Western Gulf of Alaska pollock fishery has eliminated work for at least 1,000 plant employees in Kodiak and up to 40 vessels, their crews and families.

Though the Kodiak processors will soon have herring to process, by fall 1989, if there are not additional releases of pollock, there will be no work at all for the processing plants. This effects the entire Kodiak community. Not only will the retail and service segments share in the financial downturn, families facing little or no income will bear and suffer both the economic and the concomitant social costs.

Dedicated to Kodiak's Future

KODIAK CHAMBER OF COMMERRCE
April 6, 1989

The fishing industry is accustomed to fluctuations in stock abundances. However, the shorebased industry has historically expected that it reasonably could depend on harvesting the stocks within reach of the shorebased plants."

The report goes on to state that "When at-sea processing has the potential, as proven in the 1989 Gulf pollock fishery, to substantially reduce the fish available for the shorebased operations, investment decisions become impossible to make in any rational manner.

For example, the Kodiak processors are in the process of planning for substantial investment to upgrade the jointly owned meal plant. Without some assurance that their operations will be able to take the local pollock quota, it becomes impossible to determine if there will be any return on the investment.

The net result is to hinder or actually stop investment to upgrade shorebased operations and increase the return on fish processed onshore.

Further, within coastal communities whose economies are dependent on their shorebased processing industry, all other segments such as retail stores, service industries and local governments are adversely effected by uncertain and insecure investment climates."

The result of unmoderated competition between at-sea processors and shorebased processors for the same resource in an area is to shift any economic benefit from an entire coastal community to the at-sea processor and disperse any economic benefits among many areas, none of which are dependent on that economic benefit.

Where economic resources are lacking to provide employment and the tax base for essential services the need for social services escalates rapidly.

This is why the Magnuson Fisheries and Conservation Act includes under "Purposes" that regulations under the Act must "take into account the social and economic needs of the States" and under "Policy" directs that management under the Act "is responsive to the needs of interested and affected States."

Elsewhere in the MFCMA there is language directing management to include socio-economic considerations."


As such, the Board of Directors of the Kodiak Chamber of Commerce have voted to support the Kodiak fisheries coalition's recommendations as follows:

KODIAK CHAMBER OF COMMERRCE
April 6, 1989

1. There must be a shorebased preference policy in place as soon as possible to offer some degree of security to coastal communities.
2. Require full utilization of all fish harvested.
3. The N.P.F.M.C. should move swiftly to assure data collection using the best scientific methods, including observed coverage, from all segments of the industry, even if the industry must bear the cost of data collection.
4. Allow for retention of pollock in the pacific cod fishery.
5. N.M.F.S. should analyses the recent observer and survey information as rapidly as possible so that an analysis of the status of stocks is available at the June N.P.F.M.C. meeting in June, for a determination of whether the pollock total allowable catch should be raised.

Your attention to this issue is extremely important to the economic vitality of the Kodiak community, and as such we eagerly await your response to these requests.

Yours in economic prosperity,


EDWARD F RANDOLPH
President

cc: Honorable Governor Cowper
Denby Lloyd, Special Staff Assistant
Senator Fred Zharoff
Representative Cliff Davidson
Senator Ted Stevens
Senator Frank Murkowski
Congressman Don Young
Mayor Jerome Selby, Kodiak Island Borough

KODIAK CHAMBER OF COMMERCE

04-01-89

A RESOLUTION OF THE KODIAK CHAMBER OF COMMERCE BOARD OF DIRECTORS SUPPORTING FULL UTILIZATION OF POLLOCK AND A SHOREBASED PREFERENCE IN THE DOMESTIC ALLOCATION OF ALL FISHERIES.

WHEREAS, the Americanization of the 200 mile Economic Zone has been accomplished faster than anyone thought was possible; and

WHEREAS, competition for fish among American fishermen has become very intense; and

WHEREAS, the development of floating processors which can move all over the Pacific Ocean has far exceeded all expectations; and

WHEREAS, the floating processors have an unfair advantage over shorebased processors due to the ability to move from area to area; and

WHEREAS, the shorebased processors are the economic lifeblood of coastal communities throughout Alaska and other states; and

WHEREAS, it is the legislative intent of the Magnuson Act to provide and protect the economic viability of coastal communities; and

WHEREAS, the floating processors have demonstrated they can easily shut down an entire region for most of a year; and

WHEREAS, the entire Gulf of Alaska 1989 pollock allocation of 60,000 MT has been reached in 3 months; and

WHEREAS, the shorebased processors fully utilized 23,000 MT of pollock in three months of operation; and

WHEREAS, eight factory/trawlers consumed 37,000 MT in 11 days utilizing the roe only and discarding the carcasses; and

WHEREAS, 1500 Kodiak residents indeed the entire Kodiak economy depends upon the Fall pollock harvest for their September through December livelihood; and

WHEREAS, this problem will become more prevalent in other areas as resources shrink and/or processing capabilities continues to increase; and


WHEREAS, a Kodiak community meeting of processors, fishermen, businessmen, workers and local government unanimously agreed that the following request for action be conveyed to the North Pacific Fisheries Management Council:

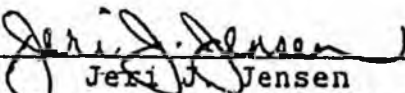
NOW THEREFORE BE IT RESOLVED by the Kodiak Chamber of Commerce Board of Directors that the North Pacific Management Council is urged to adopt the following policies:

- 1) Immediate emergency meeting of the North Pacific Management Council for a 10,000 MT allocation of pollock for bycatch during the cod and flatfish season,
- 2) Request a 35,000 MT allocation of pollock if the National Marine Fisheries Service and other data supports it for the September to December 1989 time period,
- 3) For 1990, adopt a full-utilization requirement for all pollock, prohibiting roe-stripping only,
- 4) For 1990, make the Domestic Observer Program 100% mandatory,
- 5) For 1990, adopt a DAP (Direct Allocation) shorebase processor preference.

Signed this 7th day of April , 1989

KODIAK CHAMBER OF COMMERCE


Edward F Randolph


Jeri Jensen
Secretary to the Board





STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 24, 1989

Dr. William Evans
Undersecretary
National Oceanic and
Atmospheric Administration
Department of Commerce
Room 5128
14th Street and Constitution Avenue, NW
Washington, DC 20230

Dear Bill,

The closure, on March 23, of the Central and Western Gulf of Alaska to retention of walleye pollock for the remainder of 1989 brings into sharp focus a set of issues of grave concern to fishermen and processors of Alaska. Substantial investment has been made in vessels and processing plants to create a stable shoreside bottomfish industry, particularly in Kodiak where the availability of pollock and other groundfish on a year-round basis is of extreme importance to the entire community.

Of the entire 60,000 metric ton harvest limit for Western and Central Gulf pollock a majority was apparently taken by a fleet of only 10 or so factory/trawlers; local reports indicate that as much as 40,000 mt may have been simply stripped of its roe and the carcasses discarded in a race-for-fish among factory ships. The immense fishing capacity, high mobility, and ever larger numbers of these vessels pose a threat of biological, economic, and social harm to any long-term bottomfish industry in the state.

Because factory/trawlers neither carry observers, nor deliver their product ashore, there is no way to verify the amounts and composition of their target catch, discards, or incidental take of "bycatch" species. Because their product is normally transhipped at sea, little or no income flows to coastal communities. The practice of pollock roe stripping, particularly at the fast pace evident in the Gulf this year, constitutes a dramatic waste of a resource that could otherwise support a vital component of Kodiak's economy.

March 24, 1989

Regarding the recent closure, I commend the action of the National Marine Fisheries Service, Alaska Region, to require the off-loading of pollock prior to fishing or processing other species. This should at least help provide assurance that continued pollock fishing does not occur. However, it may be necessary as well to require inspection of at-sea processors by NMFS authorities, either at-sea or onshore, in order to ensure compliance with the prohibition. The Alaska Department of Fish and Game can provide assistance with such inspections if you wish.

For the remainder of this year, I encourage you to conduct whatever surveys may be reasonable to evaluate whether the original harvest limit was indeed appropriate. There appears to be some doubt that surveys of spawning pollock in Shelikof Strait adequately assess the entire Central and Western Gulf pollock population, especially in light of substantial catches of adult pollock off the southeastern shore of Kodiak Island this year. I also encourage you to consider a modest adjustment of the pollock harvest limit to allow retention of pollock taken incidently in other groundfish fisheries in 1989.

Bill, as you know from our previous conversations, the groundfish industry is vitally important to Alaska. The apparent conduct of what is a highly capitalized, mobile fleet of factory ships poses a severe threat to the social and economic stability of Alaska coastal communities. We are as yet unsure whether this practice may effect the resource itself. I hope that we can work together through the Regional Council process to deal more equitably with the conservation and allocation of groundfish resources off Alaska.

Sincerely,



Steve Cowper
Governor

cc: Jim Brennan, NMFS
Steve Pennoyer, NMFS/AKR
Bill Aron, NWAFC
Clarence Pautzke, NPFMC

SJR 48

JR 48
1 IN THE SENATE

SENATE JOINT RESOLUTION NO. 48
IN THE LEGISLATURE OF THE STATE OF ALASKA
SIXTEENTH LEGISLATURE - FIRST SESSION

Relating to a preference for shore-based
processors in the allocation of the
fishery resources of the North Pacific.

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

9 WHEREAS the United States Exclusive Economic Zone (16 U.S.C. 1802)
10 contains fishery resources of tremendous value, both economically and
11 biologically, to the people of the United States; and

12 WHEREAS shore-based seafood processing plants in the state, through
13 employment, secondary processing, and fishery product sales, contribute
14 significantly to the economies of the Pacific Coast states; and

15 WHEREAS the ownership of shore-based seafood processing plants in the
16 state is highly diversified and broadly based, ranging from state residents
17 to multinational corporations; and

18 WHEREAS the people employed in the state's shore-based plants are a
19 large, diverse group that includes residents of Alaska, Washington, Oregon,
Selection=>

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BASIS Text for SJR 48 Screen 2 of 5
SJR 48 Printed Page 1

20 California, and many other states; and

21 WHEREAS the processing of seafood at shore-based plants is the founda-
22 tion of the economies of the state's coastal communities; and

23 WHEREAS shore-based seafood processing plants support the local econ-
24 omics, hire local people, buy products from resident fishermen, provide a
25 long-term source of tax revenue for state government, and provide a tax
26 base for local government; and

27 WHEREAS shore-based seafood processing plants represent a long-term
28 capital investment in the fishery resources of the North Pacific and are
29 designed for the stable, continuous, and sustained yield use of these

1 resources; and

2 WHEREAS shore-based seafood processing plants have the capability for
3 the full utilization of the harvested fish and the flexibility to engage in
4 the manufacture of a wide variety of valuable products from the fish; and

5 WHEREAS the discarding and waste of a North Pacific fishery resource
6 is unacceptable when it can be manufactured into valuable food products;
7 and

8 WHEREAS the harvest of North Pacific fishery resource is more reliably
9 and cost-effectively monitored when the product is delivered to shore-based
Selection=>

PF1 PF2 PF3 PF4 PF5 PF6 PF7 PF8 PF9 PF10 PF11 PF12
HELP EXIT MENU PRINT BWD FWD FIRST LAST QUIT
BASIS Text for SJR 48 Screen 3 of 5
SJR 48 Printed Page 2

10 processing plants, resulting in more accurate biological data on which to
11 base resource management decisions; and

12 WHEREAS the factory-trawler and mother-ship fleet that operates in the
13 Exclusive Economic Zone of the North Pacific is difficult to regulate
14 because of the lack of adequate observer coverage; and

15 WHEREAS the factory-trawler and mother-ship fleet, without proper
16 controls, cannot be accurately monitored to determine the actual quantity
17 fish caught, species composition, and actual amount of fish discarded; and

18 WHEREAS this lack of information could jeopardize the accuracy of the
19 available data on the health of North Pacific fishery resources and could
20 result in the sudden and unexpected depletion of the resources; and

21 WHEREAS the depletion of the resources would cause major economic
22 dislocation in the state's coastal communities and in many communities in
23 the other states and would jeopardize the investments made to date in
24 Alaska's shore-based processing plants; and

25 WHEREAS the growth of the shore-based processing industry is con-
26 strained by limited land availability, lack of infrastructure, and the
27 limited availability of marine resources close to the shore-based opera-
28 tions; and
Selection=>

PF1 PF2 PF3 PF4 PF5 PF6 PF7 PF8 PF9 PF10 PF11 PF12
HELP EXIT MENU PRINT BWD FWD FIRST LAST QUIT
BASIS Text for SJR 48 Screen 4 of 5
SJR 48 SJR048A 000319 Printed Page 2

29 WHEREAS the factory-trawler and mother-ship fleet does not experience
1 these restraints on its growth and can exploit vast areas of the ocean that
2 are not accessible to shore-base operations; and

3 WHEREAS the organization charged with overseeing and making recommen-
4 dations for the conservation, management, allocation, and utilization of
5 North Pacific fishery resources in the United States Exclusive Economic
6 Zone is the North Pacific Fishery Management Council;

7 BE IT RESOLVED that the Alaska State Legislature respectfully requests
8 the North Pacific Fishery Management Council to approve a fishery manage-
9 ment plan amendment that would grant shore-based processors a preference
10 for the allocation of the harvestable fishery resources of the North
11 Pacific; and be it

12 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
13 quests the Secretary of the United States Department of Commerce to provide
14 final approval for this amendment.

15 COPIES of this resolution shall be sent to the Honorable Robert A.
16 Mosbacher, Sr., Secretary of the U.S. Department of Commerce; the Honorable
17 William E. Evans, Administrator of the National Oceanic and Atmospheric
18 Administration; the Honorable James W. Brennan, Assistant Administrator for
Selection=>

PF1 PF2 PF3 PF4 PF5 PF6 PF7 PF8 PF9 PF10 PF11 PF12
HELP EXIT MENU PRINT BWD FWD FIRST LAST QUIT
BASIS Text for SJR 48 Screen 5 of 5
SJR 48 SJR048A 000319 14 Printed Page 3

19 Fisheries, National Marine Fisheries Service; the Honorable John Peterson,
20 Chair of the North Pacific Fishery Management Council; and to the Honorable

21 Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the
22 Honorable Don Young, U.S. Representative, members of the Alaska delegation
23 in Congress.

Selection=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP		EXIT	MENU		PRINT	BWD	FWD		FIRST	LAST	QUIT

S J R

50

FIRST COMMITTEE OF REFERRAL

U

Date of 5-DAY NOTICE 3-15-90
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER

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

DATE TURNED INTO OFFICE 3-26-90

5/5/89

Mr. President:

Resources Committee considered SJR 50

rule proposed by the United States Fish and Wildlife Service relating to marine mammals

and recommended:

- replace with CS _____ same title
- attached amendment(s) and new title
- _____ letter of intent adopted
- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____

FISCAL NOTE(S) attached zero fiscal impact
 appropriation no FN attached Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]
[Signature]

Open No Rec

Arthur S. ...
 Chair signature and recommendation
Do Pass

Committee backup attached



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Wildlife Conservation	BILL NUMBER SJR 50	SPONSOR Zharoff
SHORT TITLE OF BILL USFWS Marine Mammal rule			
DEPARTMENT POSITION Support			
PREPARED BY Bruce Dinneford	DATE 3-22-90	COMMISSIONER'S SIGNATURE <i>[Signature]</i>	DATE 3 23 90

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Public Safety	CONSTITUENT GROUP(S) AFFECTED BY BILL Native hunters and handicraft makers
ORGANIZATIONAL SUPPORT FOR BILL Native organizations	ORGANIZATIONAL OPPOSITION TO BILL USFWS

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

This resolution requests the US Fish and Wildlife Service to abandon its course in disallowing the take of sea otters by natives for creating and selling handicrafts.

ANALYSIS OF BILL/PROGRAM EFFECTS

The resolution has no effect on our management of sea otters, because they are managed by USFWS. Recent surveys of sea otters indicate most populations are stable or increasing throughout their range. Little vacant habitat remains, with most population at or approaching carrying capacity.

AMENDMENTS PROPOSED

None

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

FISCAL NOTE

REQUEST:

Revision Date: 5-5-89
 Title: SJR 50 - USFWS Marine Mammal Rule
 Sponsor: Zharoff
 Requestor: Governor

Agency Affected: Fish and Game
 BRU: Wildlife Conservation
 Components: Wildlife Conservation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

No impact on FY90

Prepared by: Bruce Dinneford
 Division: Wildlife Conservation
 Approved by Commissioner: *[Signature]*
 Agency: _____

Phone: 907-465-4190
 Date: 3-22-90
 Date: 3/23/90

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

MAR 23 '90 09:45 RURAL CAP ANCH

RURAL ALASKA RESOURCES ASSOCIATION

P.O. Box 200905
Anchorage, Alaska 99520
(907) 279-2311

MEMBERS:

March 23, 1990

Alaska Fish & Wildlife Association, Inc.

Brook Bay Native Association

Central Council Tlingit & Haida

Copper River Native Association

Koyukuk, Inc.

Kodiak Area Native Association

Marine Association

The North Pacific Rim

North Slope Borough

Northern Inupiat

Tanana Chiefs Conference, Inc.

Tyonek Native Village of

REGARDING SENATE JOINT RESOLUTION 50

The Rural Alaska Resources Association wholeheartedly agrees with this resolution, and that U.S. Fish & Wildlife Service abandon its proposed ruling relating to the taking of sea otters for creating and selling sea otter handicrafts.

The proposed rule is only for subsistence use but not for selling finished products to non-Natives. They need to include this. The proposed rule should be that the finished product should be sold to non-Natives instead of the proposed rule selling only Native-to-Native.

RURAL ALASKA RESOURCES ASSOCIATION

Matthew Iya, Chairman

ASSOCIATE MEMBERS:

Koyukuk Development Corporation

Bering Sea Fishermen's Association

RURAL CAP STAFF:

Eck Petersen





SENATOR FRED F. ZHAROFF

ALASKA STATE LEGISLATURE

P. O. BOX 405, KODIAK, ALASKA 99615 (907) 488-5259

DURING SESSION:

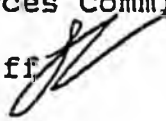
P. O. BOX V, JUNEAU, ALASKA 99811 • (907) 485-3473 • 485-3474 • 485-3844 (Labor and Commerce Committee)

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

MEMORANDUM

TO: Senator Bettye Fahrenkamp
Chair - Senate Resources Committee

FROM: Senator Fred F. Zharoff 

DATE: February 16, 1990

RE: Senate Joint Resolution 50 - "Relating to the rule proposed by the United States Fish and Wildlife Service relating to marine mammals."

I respectfully request that SJR 50 be scheduled for a hearing before the Senate Resources Committee at the earliest opportunity.

SJR 50 protests a proposed regulation formulated by the U.S. Fish and Wildlife Service that would prohibit the taking of sea otters by Natives for use in creating and selling authentic Native handicrafts, including clothing.

My view -- shared by Alaska's Congressional delegation and many others -- is that this proposed regulation is contrary to the language and intent of the Marine Mammal Protection Act, as passed by Congress in 1972. It also would be extremely detrimental to the culture and traditional practices of Alaska's Native population.

The U.S. Fish and Wildlife Service has been considering this regulation since it was first published in the Federal Register on Nov. 18, 1988. After much public pressure, the service held public hearings on the proposal in Alaska late in 1989. Despite the extensive opposition, the service has not yet made a final decision on the regulation. SJR 50 may help convince the federal agency to abandon the proposed rule.

The following backup information is attached:

1. The original notice of the proposed rule as published in the Federal Register, Nov. 14, 1988.
2. U.S. Fish and Wildlife Service fact sheet about sea otters.
3. Native exemption highlights of the Marine Mammal Protection Act of 1972 and regulations.

4. Letter of opposition to the U.S. Fish and Wildlife Service, signed by 18 legislators, dated May 10, 1989.
5. U.S. Fish and Wildlife Service reply to the May 10 letter, dated July 13, 1989.
5. Resolutions passed by the Alaska Federation of Natives.
7. Resolution passed by the Village Participation Conference.
8. Letter and resolution from the Citizens' Advisory ~~Commission on Federal Areas~~.
9. Letter from U.S. Senator Ted Stevens, dated Jan. 17, 1989.
10. Letter from U.S. Senator Frank Murkowski, dated Feb. 17, 1989.
11. Letter from U.S. Senator Frank Murkowski, published in the Tundra Times, Dec. 11, 1989.
12. Tundra Times article, Oct. 16, 1989.
13. Bristol BayTimes article, Oct. 27, 1989.

I also have on file in my office copies of letters and/or resolutions of opposition from the Alaska Department of Fish and Game, the Alaska Federation of Natives, the Alaska Legal Services Corporation, the Alaska Sea Otter Commission, the Aleutian/Pribilof Islands Association, the Cook Inlet Tribal Council, the City of Cordova, the U.S. Department of Interior Indian Arts and Crafts Board, Kawerak Inc., the City of Kodiak, the North Pacific Rim, the Mayor of the North Slope Borough, the Rural Alaska Community Action Program, the Rural Alaska Resources Association, the Sealaska Corporation, the Seldovia Native Association, and Rep. Kay Wallis, in addition to my own letters and testimony to the U.S. Fish and Wildlife Service. I would be pleased to make any of these available to the committee upon request.

(n) Live crustaceans or viable eggs of mitten crabs, genus *Eriocheir*. *Provided*, that the Director shall issue permits authorizing the importation, transportation, and possession of such live fish or crustaceans or viable eggs under the terms and conditions set forth in § 10.22.

Dated: October 25, 1988.

Susan Recce,

Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior.

[FR Doc. 88-26182 Filed 11-10-88; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Findings on Petitions to List Populations of the Western Snowy Plover and the California Mountain Lion

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of findings on petitions.

SUMMARY: The U.S. Fish and Wildlife Service announces 90-day petition findings for two petitions to amend the Lists of Endangered and Threatened Wildlife and Plants. Substantial information has been presented that a petition to list coastal western snowy plovers may be warranted. Substantial information has not been presented that listing a Santa Monica Mountains population of the California mountain lion may be warranted.

DATES: The findings announced in this notice were made in July 1988. Comments and information may be submitted until further notice.

ADDRESSES: Information, comments, or questions regarding the coastal western snowy plover petition may be submitted to the Supervisor, Fish and Wildlife Enhancement Field Station, 727 N.E. 24th Avenue, Portland, Oregon 97232. Information, comments, or questions regarding the Santa Monica Mountains mountain lion petition may be submitted to the Field Supervisor, Fish and Wildlife Enhancement Field Station, Federal Building, 24000 Avila Road, Laguna Niguel, California 92677. The petitions, findings, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above addresses.

FOR FURTHER INFORMATION CONTACT: Mr. Russell D. Peterson, at the above Portland, Oregon, Field Station address (telephone 503/231-6179 or FTS 429-

6179); Ms. Nancy Kaufman, at the above Laguna Niguel, California, Field Station address (telephone 714/643-4270 or FTS 796-4270).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973 (Act), as amended in 1982 (16 U.S.C. 1531 *et seq.*), requires that the U.S. Fish and Wildlife Service (Service) make a finding on whether a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the Federal Register. If the finding is positive, the Service is also required to promptly commence a review of the status of the involved species. The Service has received and made 90-day findings on the following petitions.

A petition from Dr. J. P. Myers, Senior Vice President, National Audubon Society, was dated March 11, 1988, and received on March 24, 1988. It requested that a Pacific coast population of the western snowy plover, *Charadrius alexandrinus nivosus*, be added to the list of threatened species. The petitioner submitted information documenting the decline of, current status of, and threats to coastal western snowy plovers. The number of birds nesting in coastal Washington, Oregon, and California, has declined by about 50 percent in the past two decades despite protective efforts by the affected States. Primary factors have been habitat loss and alteration from recreation, coastal developments, and introduction of European beach grass. Nest abandonment and predation have also been significant. Questions pertaining to the significance of interchange between coastal and interior stocks of the subspecies and demarcation of the subspecies itself remain to be answered. Nonetheless, the Service found that the petition presented substantial information indicating that the requested action may be warranted. Formal review of the status of the entire subspecies *Charadrius alexandrinus nivosus* has been in progress since the Service's December 20, 1982 vertebrate notice of review (47 FR 58454).

A petition from Mr. Sean Manion, on behalf of the Topanga-Las Virgenes Resource Conservation District of California, was dated April 12, 1988, and received on April 25, 1988. The petitioner requested that a Santa Monica Mountains population of the

California mountain lion (*Felis concolor californica*) be added to the list of endangered species. After review of the petition and supporting documentation, the Fish and Wildlife Service finds that the petition does not present substantial information that the requested action may be warranted.

The range of the California mountain lion encompasses most of California, southern Oregon, western Nevada, and southern Baja California, Mexico. The lion is distributed throughout the majority of its historic range and the population appears to be stable or increasing. Although the petition presents information suggesting deterioration of the lions' habitat in the Santa Monica mountains, there is insufficient evidence that would support a determination that these animals constitute a completely isolated subpopulation or that the status of the species, as a whole, is declining over all or a significant portion of its range.

Author

This notice was prepared by Ms. Jackie Campbell, U.S. Fish and Wildlife Service, 500 N.E. Multnomah Street, Suite 1892, Portland, Oregon 97232 (503/231-6150 or FTS 429-6150).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*); Pub. L. 99-625, 100 Stat. 3500 (1986), unless otherwise noted.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Dated: October 26, 1988.

Susan Recce

Assistant Secretary for Fish and Wildlife and Parks

[FR Doc. 88-26188 Filed 11-10-88; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 18

Marine Mammals; Native Exemptions

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (hereafter the Service) proposes to amend the regulations implementing the Marine Mammal Protection Act of 1972 (the Act), 16 U.S.C. 1361-1407; 50

CFR 18. Recent U.S. District Court decisions in Alaska have called for a thorough administrative review of the taking of northern sea otters (*Enhydra lutris lutris*) under the native exemptions section of the regulations (50 CFR 18.23). The Service has conducted a preliminary analysis of all available information, including historical evidence, legislative history, and past policy statements and guidelines relating to the Alaska Native use of the sea otter in handicrafts and clothing. Sea otters apparently were not being taken for such purposes when Congress passed the Act, nor had they been taken legally within living memory by Alaska Natives. The clear intent of Congress in passing the Act was to preserve existing native uses of marine mammals rather than to promote expansion of Alaskan arts and crafts industries or the creation of new industries. Therefore, the Service interprets the Act and its existing regulations to prohibit the taking of sea otters by Alaska Natives for use in creating and selling handicrafts and clothing, and the Service proposes to amend the definition of "authentic native articles of handicrafts and clothing" to clearly state this interpretation. In keeping with the paramount objective of Congress to protect marine mammals, this amendment to the regulations is intended to supersede and inconsistent Service policy guidelines and resolve the existing controversy over the allowable native uses of the sea otter. Alaska Natives would continue to be permitted to take this species for subsistence purposes.

DATE: Comments must be submitted by January 13, 1989.

ADDRESSES: Comments and materials concerning this notice should be sent to the Director, U.S. Fish and Wildlife Service, P.O. Box 28006, Washington, DC 20038-8006. Comments and materials may be delivered to the U.S. Fish and Wildlife Service, Division of Law Enforcement, Room 300, Hamilton Building, 1375 K Street NW., Washington, DC, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Special Agent in Charge Thomas L. Striegler at the above address [(202) 343-9242 or FTS 343-9242].

SUPPLEMENTARY INFORMATION:

Existing Regulations

The Act provides for a moratorium on the taking and importation of marine mammals and marine mammal products, including the northern sea otter (*Enhydra lutris lutris*). However,

Congress created a limited exemption for Alaska Natives. 18 U.S.C. 1371(b) provides, in relevant part:

Except as provided in section 1370 of this title, the provisions of this chapter shall not apply with respect to the taking of any marine mammal by any Indian, Aleut, or Eskimo who resides in Alaska and who dwells on the coast of the North Pacific Ocean or the Arctic Ocean if such taking—

(1) is for subsistence purposes; or
 (2) is done for the purposes of creating and selling authentic native articles of handicrafts and clothing: *Provided*, That only authentic native articles of handicrafts and clothing may be sold in interstate commerce: *And provided further*, That any edible portion of marine mammals may be sold in native villages and towns in Alaska or for native consumption. For the purposes of this subsection, the term "authentic native articles of handicrafts and clothing" means items composed wholly or in some significant respect of natural materials, and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or other mass copying devices. Traditional native handicrafts include, but are not limited to weaving, carving, stitching, sewing, lacing, beading, drawing, and painting; and

(3) in each case, is not accomplished in a wasteful manner.

Pursuant to the authority granted in 18 U.S.C. 1382, the Service promulgated regulations to implement the Act on December 21, 1972 (37 FR 29173) and substantially amended on February 25, 1974 (39 FR 7282). 50 CFR 18.3 provides, in pertinent part that "Authentic native articles of handicrafts and clothing" means items made by an Indian, Aleut, or Eskimo which (a) were commonly produced on or before December 21, 1972, and (b) are composed wholly or in some significant respect of natural materials, and (c) are significantly altered from their natural form and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or similar mass copying devices. Improved methods of production utilizing modern implements such as sewing machines or modern techniques at a tannery registered pursuant to section 18.23(c) may be used so long as no large scale mass production industry results.

The native exemptions section of the regulations (50 CFR 18.23) provides, in relevant part that except as otherwise provided in Part 403 of this Title, any Indian, Aleut, or Eskimo who resides in Alaska and who dwells on the coast of the North Pacific Ocean or the Arctic Ocean may take any marine mammal without a permit, subject to the restrictions contained in this section, if such taking is: (1) For subsistence purposes, or (2) For purposes of creating and selling authentic native articles of handicraft and clothing, and (3) in each case, not accomplished in a wasteful manner.

Historic Uses

Since 1741, the date of the earliest exploitation of sea otter populations for the fur trade, there has been virtually no use of sea otters by Alaska Natives. Native takings were largely precluded, and in fact prohibited by the Russians and later by Alaska statutes during the 18th and 19th century fur trade. There is evidence of certain uses of sea otter pelts and parts in Alaska prior to 1741. However, Alaska Natives have apparently not commonly produced and sold handicrafts or clothing from sea otters within living memory.

Congressional intent

The paramount objective of Congress in passing the Act was the protection of marine mammals. Congress allowed the taking of marine mammals by Alaska Natives to continue as those practices existed at the time of the passage of the Act, but did not provide for the development of new uses or the expansion of taking by natives. Congress intended to preserve existing native uses of marine mammals, characterized as the maintenance of "cottage industries", rather than to promote economic development or the growth of Alaskan arts and crafts industries. The fact that sea otter handicrafts have not been commonly produced for more than 200 years makes it impossible to consider them a part of the "cottage industry" or status quo Congress was exempting from the provisions of the Act. The native exemptions were passed with the implicit understanding that the patterns of native taking and use of marine mammals would remain as they were in 1972, at the time of passage of the Act. For the sea otter, this would allow essentially no take by Alaska Natives for the commercialization of handicrafts and clothing. In the words of United States District Judge Holland, ruling the *Maria Rena Katerinikoff v. U.S. Department of the Interior, et al.*, A85-308 Civ. (D.C. Alaska; July 21, 1986):

... It is entirely conceivable that the regulation at issue could leave Alaska Natives with virtually no uses of sea otters and still be consistent with the congressional intent to preserve traditional lifestyles and handicrafts.

In keeping with the purpose of Congress in passing the Act, the Service believes that exemptions from the moratorium which permit limited taking of marine mammals should be construed narrowly. By amending the marine mammal regulations in 50 CFR 18 to clarify their application to the sea otter, the Service will comply with

congressional intent and supersede any inconsistent policy guidelines and rulings, thereby resolving the existing controversy over the allowable native uses of this species.

Note.—The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and certifies that this proposed rule will not have a significant effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Additionally, there are no information collection requirements contained in this document that require Office of Management and Budget clearance under 44 U.S.C. 3501. Since there has been no lawful, commercial use of sea otters by Alaska Natives for more than 200 years, there will be no economic impacts on the public, individual industries, or Federal, state, or local governments. The only effect of this rule will be to eliminate the confusion and controversy which have resulted from the misinterpretation of congressional intent, previous regulatory language, and policy guidelines regarding the allowable native uses of the sea otter.

The Service has determined that an environmental assessment, as defined

under the authority of the National Environmental Policy Act of 1969, need not be prepared for this action. Since the proposed rule reflects the statutory language and intent of Congress in the Act, this document is considered an amendment to an approved action having no potential for causing substantial environmental impact, and thus qualifies as a categorical exclusion from National Environmental Policy Act requirements under 516 DM 6, Appendix 1, Section 1.4(A)(1). The primary author of this document is Special Agent Michael Sutton, Division of Law Enforcement, U.S. Fish and Wildlife Service.

List of Subjects in 50 CFR Part 18

Administrative practice and procedure, Alaska, Imports, Marine mammals, Transportation.

Regulation Promulgation

PART 18—[AMENDED]

For the reasons set forth in the preamble, Part 18, Subchapter B of

Chapter I, Title 50 of the Code of Federal Regulations is proposed to be amended as set forth below:

1. The authority citation for Part 18 continues to read as follows:

Authority: Marine Mammal Protection Act of 1972, as amended (Pub. L. 92-522, 88 Stat. 1027; Pub. L. 97-58, 95 Stat. 979 (16 U.S.C. 1361-1407)).

§ 18.3 [Amended]

2. Section 18.3 is amended by adding the following sentence to the end of the definition of "Authentic native articles of handicrafts and clothing": "Provided that, it has been determined that no items created in whole or in part from sea otter meet paragraph (a) of this definition, and therefore no such items may be sold."

Dated: October 17, 1988.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 88-26085 Filed 11-10-88; 8:45 am]

BILLING CODE 4310-55-M

9
C
NATIVE EXEMPTION HIGHLIGHTS OF
THE MARINE MAMMAL PROTECTION ACT OF 1972 & REGULATIONS

DATE OF ENACTMENT: October 21, 1972
EFFECTIVE DATE: December 21, 1972 (on this date the moratorium takes effect)
JURISDICTION: DEPARTMENT OF INTERIOR

Walrus
Sea otters
Polar bear
Manatee

DEPARTMENT OF COMMERCE

Seals
Whales
Sea lions
Porpoises

MORATORIUM: On December 21, 1972, except as otherwise specified, there will be an indefinite complete cessation of the taking of marine mammals and a complete ban on the importation into the United States of marine mammals and marine mammal products.

NATIVE EXEMPTION TO
MORATORIUM:

The provisions of this Act shall not apply with respect to the taking of any marine mammal by an Indian, Aleut, or Eskimo who dwells on the coast of the North Pacific Ocean or the Arctic Ocean if such taking... (1) is for subsistence purposes by Alaskan Natives who reside in Alaska, or

(SUBSISTENCE means the use by Alaskan Natives or marine mammals taken by Alaska Natives for food, clothing, shelter, heating, transportation, and other uses necessary to maintain the life of the taker or for those who depend upon the taker to provide them with such subsistence.)

(2) is done for purposes of creating and selling authentic Native articles of handicraft and clothing.

(AUTHENTIC NATIVE ARTICLES OF HANDICRAFTS AND CLOTHING means items made by an Indian, Aleut; or Eskimo which (a) were commonly produced on or before December 21, 1972, and (b) are composed wholly or in some significant respect of natural materials, and (c) are significantly altered from their natural form, and which are produced, decorated, or fashioned in the exercise of traditional Native handicrafts without the use of pantographs, multiple carvers, or similar mass copying devices. Improved methods of production utilizing modern implements such as sewing machines or modern techniques at a tannery registered pursuant to 18.23 (c) may be used so long as no large scale mass production industry results. Traditional Native handicrafts include, but are not limited to, weaving, carving, stitching, sewing, lacing, beading, drawing, and painting. The formation of traditional Native groups, such as cooperatives, is permitted so long as no large scale mass production results.)

(3) in each case, is not accomplished in a wasteful manner.

(WASTEFUL MANNER means any taking or method of taking which is likely to result in the killing or injuring of marine mammals beyond those needed for subsistence purposes or for the making of authentic Native articles of handicraft and clothing or which results in the waste of a substantial portion of the marine mammal and includes without limitation the employment of a method of taking which is not likely to assure the capture or killing of a marine

mammal, or which is not immediately followed by a reasonable effort to retrieve the marine mammal.)

DEFINITIONS:

1. ALASKA NATIVE means a person defined in the Alaska Native Claims Settlement Act (43 U.S.C. Sec. 1603 (b) (85 Stat. 588) as a citizen of the United States who is of one-fourth degree or more Alaska Indian (including Tsimshian Indians enrolled or not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native, as so defined, either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or town of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any Native village or Native town. Any such citizen enrolled by the Secretary pursuant to Section 5 of the Alaska Native Claims Settlement Act shall be conclusively presumed to be an Alaskan Native for purposes of this part.

2. NATIVE VILLAGE OR TOWNS means any tribe, band, clan, group, village, community.

3. TAKE means to harass, hunt, capture, collect, or kill any marine mammals, including, without limitation, any of the following: The collection of dead animals or parts thereof; the restraint or detention of a marine mammal, or a marine mammal; or the negligent or intentional operation of an aircraft or vessel, or the doing of any other negligent or intentional acts which results in the disturbing or molesting of a marine mammal.

RESTRICTIONS:

(1) No marine mammal taken for subsistence may be sold or otherwise transferred to any person other than an Alaskan Native or delivered, carried, transported, or shipped in interstate or foreign commerce, unless: It is being sent by an Alaskan Native directly or through a registered agent or registered tannery for the purpose of processing, and will be returned directly or through a registered agent to the Alaska Native; or

It is an edible portion and it is sold in a Native village or town in Alaska.

No marine mammal taken for purposes of creating and selling authentic Native articles of handicraft and clothing may be sold or otherwise transferred to any person other than an Indian, Aleut, or Eskimo, or delivered, carried, transported or shipped in interstate or foreign commerce unless:

It is being sent by an Indian, Aleut, or Eskimo directly or through a registered agent to a purpose of processing, and will be returned directly or through a registered agent to the Indian, Aleut or Eskimo; or

It has been first transformed into an authentic Native article of handicraft or clothing; or

It is an edible portion and it is sold (a) in an Alaskan Native village or town or (b) to an Alaska Native for his consumption.

2. No person shall use any aircraft to take any marine mammal in violation of 16 U.S.C. 742j-1, 85 Stat. 480, Publ L. 92-159.

Notwithstanding the preceding provisions of this section whenever, under the Act; the Secretary determines any species or stock of marine mammals to be depleted,

he may prescribe regulations pursuant to Section 103 of the Act upon the taking of such marine mammals by any Indian, Aleut, or Eskimo and, during the existence of such regulations, all takings of such marine mammals by such persons shall conform to such regulations.

SUMMARY:

In brief, this means Congress has made special provisions for Alaska Natives to continue taking marine mammals for their way of life; however, they require the people to use all of the animals they kill.

Every effort must be made to bring in the meat of all walrus taken and does not allow the killing of animals for just the tusks. It allows the sale or barter of ivory between Natives, but does not provide for non-Natives to buy, acquire, or possess ivory or any other parts of marine mammals until they have been transformed into authentic Native articles of handicraft or clothing. This includes Polar bear hides.

COMMON QUESTIONS:

1. IS IT LEGAL FOR A NATIVE TO SHIP MARINE MAMMALS SKINS FOR THE PURPOSE OF TANNING AND THEN SUBSEQUENTLY RETURN THE SKINS TO ALASKA FOR USE IN MANUFACTURING TRADITIONAL ITEMS?

YES provided, if they are sent directly to a registered tannery or agent within the United States which may possess and process marine mammal products for Indians, Aleuts, or Eskimos.

- 2. IS IT LEGAL FOR A NATIVE TO GIVE, BARTER, OR SELL RAW IVORY, OR POLAR BEAR HIDES TO A NON-NATIVE?

NO. In order to give, barter, or sell marine mammals to non-Natives, the raw material must be changed into an authentic Native article of arts or crafts. This applies only to animals taken after December 21, 1972.

- 3. IS IT LEGAL FOR A NATIVE TO GIVE, BARTER, OR SELL SEAL HIDES, IVORY, OR POLAR BEAR HIDES TO ANOTHER NATIVE?

YES.