

JAPAN

Fisheries: North Pacific

*Agreement effected by exchange of letters
Signed at Tokyo and Silver Spring April 12, 1990;
Entered into force April 12, 1990.
With annexes and attachment.*

FISHERIES AGENCY
 MINISTRY OF AGRICULTURE, FORESTRY AND FISHERIES,
 GOVERNMENT OF JAPAN

April 12, 1990

Ambassador Edward E. Wolfe Deputy Assistant Secretary Department of State	/Dr. William W. Fox, Jr. /Assistant Administrator for /Fisheries /National Marine Fisheries /Service, Department of Commerce
---	--

Dear Ambassador Wolfe / Dr. Fox:

With reference to the letters of Mr. K. Shima dated May 2, 1989 and of Mr. Tanaka dated June 26, 1989,¹ I have the pleasure to write this letter concerning the 1990 observer program with respect to the Japanese squid and large-mesh driftnet fisheries, which are operating in the high seas area of the North Pacific beyond the 200-mile zones of any coastal states. The details of this program are set forth in the attached Annexes A and B.

I would like to notify you of the intention of the Japan Squid Driftnet Fishery Association and the Japan Large-mesh Driftnet Fishery Association to take the voluntary measures to accept Japanese researchers and North American scientific observers on board the Japanese squid driftnet and large-mesh driftnet fishing vessels in 1990.

I understand that logistical details of the program have been agreed by the appropriate organizations of Japan, Canada, and the United States. I also understand that each side will be responsible for bearing the expenses incurred with respect to the boarding of its own scientific observers.

In addition, I would like to notify you of the plan of the Fisheries Agency of Japan to send scientific research vessels to the North Pacific in 1990 to collect various scientific data with respect to the Japanese squid and large-mesh driftnet fisheries as follows:

4 research vessels to the squid driftnet fishing area

1 research vessel to the large-mesh driftnet fishing area

The Japanese side is ready to accept two North American scientists on board the R/V Syoyo-maru and Wakatori-maru respectively and one North

¹ Not printed.

American scientist on board each of the other 3 vessels mentioned above, on condition that the boarding expenses will be borne by the Canadian or U.S. side that dispatches the scientist. The Canadian and U.S. sides will be provided with the details of the research plan and are requested to inform the Japanese side in a timely fashion of the intent to participate in the research cruises.

I would like to state that the program has been devised in response to your interests with respect to the Japanese high seas squid and large-mesh driftnet fisheries and their impact on the stocks of various species, particularly recognizing the significance of collecting adequate information on the incidental take of anadromous species in these fisheries, taking into account the 1989 observations, and with full respect to the United Nations Resolution A/C 2/44/L.81.

I understand that Japanese, Canadian and the U.S. sides share the view that the data to be obtained from the program will be statistically reliable.

I would also like to notify you of the intention of the Japanese side to exchange views with Canadian and the U.S. sides in early 1991 to plan a scientific observer program adequate to obtain needed data for the 1991 squid and large-mesh driftnet fisheries, taking into account the 1990 observations.

Finally, I would like to repeat the basic position of the government of Japan on the subject of high seas fishery including, but not limited to, the squid and large-mesh driftnet fisheries, that is the research programs and other activities with regard to those high seas fisheries should be undertaken under the responsibility and initiative of the flag state, i.e. Japan.

Sincerely,

Kouji Imamura
Councillor
Fisheries Agency
Government of Japan
c.c. Dr. J.C. Davis
Regional Director-Science
Pacific Region
Department of Fisheries and Oceans
Government of Canada

ANNEX A
Japanese High Seas Driftnet Fishery
1990 Observer Program

The arrangements described below represent the process for collecting, handling, and providing driftnet fishery data by Japanese and North American scientific observers during 1990. The purpose of these activities is to secure statistically reliable information on the catch of target species such as squid and tuna and the incidental take of salmonids, all other fin fishes, marine mammals, seabirds, sea turtles, and other species of marine life.

1. Observer Deployment

A. Squid Driftnet Fishery

During the 1990 fishing season, 10 Canadian, 35 U.S. and 29 Japanese scientific observers (total of 74 observers) will be deployed on a total of 74 squid driftnet vessels so that a total of approximately 4380 operations will be observed throughout the squid fishing area. Allocation of observer effort will follow the plan outlined in Table 1.

B. Large-Mesh Driftnet Fishery

During the twelve month period from May 1990 through April 1991, a scientific observer program on large-mesh driftnet vessels will be implemented. 12 North American and 12 Japanese scientific observers (total of 24 observers) will be deployed on a total of 24 large-mesh driftnet vessels. Allocation of observer effort will follow the plan outlined in Table 2.

C. Embarkation and Disembarkation of Observers

In principle, embarkation and disembarkation of North American scientific observers will be from Japanese ports designated by the Japanese side.

Further details regarding arrangements for observation of Japanese high seas squid driftnet and large-mesh operations are addressed in Annex B of this letter.

Each North American scientific observer will present a Letter of Introduction to the Ship's master which will describe the detailed arrangements consistent with understandings among the appropriate organizations of Japan, Canada and the United States for deployment, observation, and other terms and conditions as appropriate. Such Letter of Introduction should be written in Japanese. The Japanese side will provide the ship's master and crew of each squid or large-mesh driftnet vessel with written instructions describing duties of scientific observers and required assistance from the crew.

2. Data Collection

A. Data to be Collected. For each operation, observers will collect the following data according to standardized procedures and format:

- (a) Information on fishing methods including net mesh sizes, method of net deployment (i.e., whether the vessel fished individually or in conjunction with other vessels), depth of the top of the net from the water surface, total net depth from corkline to lead line, true compass direction of the set, length (m) of a tan of net (as measured by the observer), number of tans per net section, number and arrangement of net sections deployed per net set, and tans of net lost or discarded, description of net materials, number of driftnet vessels fishing in an array and number of such arrays in the area (within 15 nm of the observer vessel);
- (b) Environmental conditions at the beginning and again at the ending of each net deployment, including: surface water temperatures, weather conditions (wind speed and direction), and sea condition (swell height);
- (c) Date and location of net at the time of the beginning and the end of the set and at retrieval to nearest minute of latitude and longitude as recorded by the scientific observer directly from the navigation equipment;
- (d) Catches and take of all species, including target species and incidental take species, recorded by each net section observed. Dropout rates will be recorded according to the procedures agreed upon at the March 1990 meeting in Tokyo by scientists of Canada, Japan and the United States and described in section B. below ("Agreed Procedures").
- (e) The vertical distribution of seabirds and seabird prey species (such as squid, saury, and pomfret) in the net webbing may be recorded by net section.
- (f) Observers will record biological information from any salmonid incidentally caught. For the 1990 observer program, this information will include the taking of scale samples, species determination, sex, fork length determination and the collection of snouts from all salmonids missing the adipose fin. Gonad weight will be measured whenever feasible. After sampling the salmonids will be returned to the water, in compliance with Japanese domestic regulations. All salmonid information will be exchanged by the appropriate authorities of Japan, Canada and the United States by February 1, 1991.
- (g) Observers will record biological information from any sea turtles caught. Carapace measurements will be taken whenever feasible. Whenever conditions permit, turtles taken alive will be freed from net fragments, tagged by the observer, and released. Turtles taken aboard dead may be dissected for examination of stomach contents and collection of organs or tissue samples. All

biological data from sea turtles will be exchanged by the appropriate authorities of Japan, Canada and the United States by April 1, 1991.

(h) Observers will record biological information and collect biological samples including length measurements from albacore and other tunas and billfish species. All biological data from finfish (other than salmonids) will be exchanged by the appropriate authorities of Japan, Canada and the United States by April 1, 1991.

(i) Observers will record biological information and collect biological samples according to the agreed procedures from marine mammals incidentally caught. The data will include species, sex, body length, lactation, pregnancy, fetal length and sex, teeth and reproductive organs. These data will be exchanged by the appropriate authorities of Japan, Canada and the United States by April 1, 1991.

(j) Observers will record biological information and collect biological samples from sea birds incidentally caught according to the agreed procedures. The data will include species, color phase, age, brood patch, culman length, wing length, molt, stomach contents, sex, and weight. One whole specimen of each species may be retained and frozen as a voucher specimen by each observer. These data will be exchanged by the appropriate authorities of Japan, Canada and the United States by April 1, 1991.

(k) Observers may record data on sightings of marine mammals and seabirds when the vessel is in transit to a new fishing location. The data will include standard sighting information such as location, environmental conditions, species sighted, number of animals sighted, distance from the vessel, etc. Such sighting activity is not to alter the course or interrupt in any way the normal operations of the vessel, except that access to information on the vessel's position and environmental conditions will be assured.

(l) Secure freezer space adequate (up to 2 m³ for vessels of 100 gross tonnes or larger and 1 m³ for vessels smaller than 100 gross tonnes) to hold biological samples and specimens will be available for the observer. Specimens will be promptly removed from the ship's freezers upon the vessel's arrival in port.

(m) Observers, without neglecting their duties aboard the host vessel as described herein, may record observations of the fishing operations of non-INPFC member nations. This activity will consist of visual observation and recording of a description of activities observed and is not intended to disrupt or divert the host vessel in any way from its normal fishing activities. These data will be exchanged by the appropriate authorities of Japan, Canada and the United States at the same time as other observer information is exchanged following return of observers to port.

(n) On a daily basis, the vessel captain will provide to the observer information on the quantities of albacore, billfish and sharks retained by the vessel and the quantities discarded. Information on the quantities retained by the vessel will be provided with respect to each processed form, including whole fish, fillets, loins, fins, and belly portions. In a manner not to interfere with efficient operations of the vessel, observers may collect data to determine the size composition of albacore discarded by the vessel, the size composition of those retained by the vessel, and the relative weights of whole fish and the various processed forms.

B. Agreed Procedures

The procedures for catch and bycatch data collection and sampling agreed upon by scientists of Canada, Japan and U.S. are as follows:

1. Catch and Bycatch Data Collection Procedures

(a) Number of sections to be observed for catch and bycatch records on all animal species:

Sections will be randomly selected for observations. Six sections will be observed in operations consisting of six to nine sections and seven sections will be observed in operations consisting of ten or more sections.

(b) Number of observed sections for counting dropouts by species:

Two sections out of the sections mentioned above. During the observation of these two sections, the number of all finfishes which have dropped out of the net should be counted and recorded except for squid. Mammal, sea bird and sea turtle dropouts are to be recorded for every section observed. When counting dropouts, the counting of pomfret may be excluded if it impacts on the ability of the observer to accurately count the dropouts of other species.

(c) Observers do not work on non-fishing days. Should a vessel fish continuously for many days, the observers may take every 6th consecutive fishing day off.

(d) For Canada and Japan, a common data sheet (format) should be used. Variables will be common among the three countries.

(e) The computer file of observer data should be common among the three countries at the section level of resolution.

2. Sampling and Biological Measurements

(a) Sampling and biological measurements will be done on observed days and observed sections. Sampling should not be done on off-duty days and non-observed sections.

(b) For salmonids, species, fork length and sex will be recorded and scale samples will be taken. Gonad weight may be measured. For salmonids missing the adipose fin, snouts will be collected.

(c) All observers will record species, sex and body length for marine mammals and will collect teeth from all dead cetaceans. Sampling of internal organs will be limited to marine mammal experts on board vessels of more than 300 gross tonnes.

(d) For sea birds, the number of incidental take by species will be recorded. Each observer will preserve one specimen of each species during each cruise. Detailed biological measurements and dissection may be done by sea bird experts.

(e) For tuna fishes, fork length measurements will be taken for the first 30 individuals caught in each week for each species. For albacore, samples will be frozen if fish less than 30 cm in length are caught.

C. Coordination, Standardization, and Observer Training

1. All data identified in section 2 for collection by observers will be recorded daily onto data forms developed by the parties. These forms will be duplicated and provided to the appropriate authorities of Japan, Canada and the United States within 30 days after the Japanese or the North American scientific observer disembarks the host vessel.

2. Canadian, U.S. and Japanese scientists will cooperate to ensure that their respective scientific observers will collect and record data in an agreed and standardized format produced at the March 1990 meetings in Tokyo. The designated liaison persons of the appropriate authorities of Japan, Canada and the United States will exchange final versions of the observer training and field data collection manuals by May 1, 1990.

3. Data Exchange and Reporting

A. Data Exchange

1. Total fishing effort and the total catch in numbers of salmonids and in metric tons of animals of the squid driftnet fleets will be compiled by 10-day period and month and $1^{\circ} \times 1^{\circ}$ statistical areas, for the following species: flying squid, albacore, skipjack tuna, swordfish, marlin, yellowtail, pomfret, sharks, and other

fishes. Total fishing effort and the total catch in numbers of animals of the large-mesh driftnet fleets will be compiled by 10-day period and month and $1^{\circ} \times 1^{\circ}$ statistical areas, for the following species: salmonids, albacore, skipjack tuna, other tuna, swordfish, marlin, pomfret, sharks and other fishes. Such data will be provided to the appropriate authorities of Japan, Canada and the United States by May 31, 1991. The number of vessels by type are also to be provided to the appropriate authorities of Japan, Canada and the United States by May 31, 1991. Three measures of effort are to be reported for each fishery: the cumulative number of standardized tans (50m standard tan length), number of vessels fishing and vessel days of operations.

2. A report on results of the 1990 research cruises in the squid and large-mesh driftnet fishing areas will be provided to the appropriate authorities of Japan, Canada and the United States within 90 days after the completion of the cruises.

3. Reports of results of other research related to the high seas driftnet programs will be provided to the appropriate authorities of Japan, Canada and the United States upon completion.

B. Reporting

1. Data reporting will be made by the appropriate authorities of Japan, Canada and the United States according to the following schedules:

(a) For the squid and large-mesh driftnet observer programs, the appropriate authorities of Japan, Canada and the United States will jointly produce by April 1, 1991, a preliminary data summary of total catches and average catch rates collected by Japanese and North American scientific observers of the species of cephalopods, finfish, marine mammals, seabirds and sea turtles identified in section 2.A by $1^{\circ} \times 1^{\circ}$ areas by 10-day period and month. To facilitate the production of the preliminary data summaries, Canadian, Japanese and U.S. scientists will meet early in 1991.

(b) A final report reviewing data identified section 2.A collected by Japanese and North American scientific observers during 1990 will be jointly produced by the appropriate authorities of Japan, Canada and the United States by May 31, 1991. The preliminary data summaries and the final report will include data collected on the catch and bycatch of all species. If there are disagreements among the appropriate authorities of Japan, Canada and the United States pertaining to the data summaries or reports, the differences will be described therein.

2. All observed field data collected from individual operations shall not be opened to the public. The summary reviews and the final reports of the observa-

tions made by the Japanese and North American scientific observers shall not be opened to the public until their completion as specified in Section 3.B.1(b).

4. Research Coordination

Recognizing that Canada, the U.S. and Japan are conducting research programs relevant to the interpretation of driftnet fisheries observer data, the range and scope of potential cooperation in these programs should be thoroughly considered prior to implementations of the 1990 driftnet fisheries observer program. Canadian, Japanese and U.S. scientists familiar with these programs will exchange views on potential collaboration.

Discussions will include:

- (1) current and anticipated research on the biology and population dynamics of species taken in the North Pacific driftnet fisheries;
- (2) current and anticipated research on the physical and biological oceanography of the high seas driftnet fishing area;
- (3) current and anticipated research and development of fisheries technologies relevant to driftnet fisheries and the avoidance of non-target species; and
- (4) research vessel and chartered fishing vessel activities for the North Pacific high seas region in 1990.

Table 1. Deployment of Scientific Observers and the number of Squid Driftnet Fishing Vessels to be observed during 1990.

	June	July	August	September	October	November	December
United States	23	24	17	8	7	2	1
Canada	10*						
Japan	17	18	10	6	2	2	1

*Emphasis June–August

Table 2. Deployment of Scientific Observers and the number of Large-mesh Driftnet Fishing Vessels to be observed during 1990–1991.

	1990 May–August	1990 September–December	1991 January–April
North American	1	2	9
Japan	1	2	9

ANNEX B
ARRANGEMENTS FOR OBSERVATION OF
JAPANESE HIGH SEAS DRIFTNET OPERATIONS
FOR 1990

This Annex describes the arrangements for the implementation of the scientific observer programs on board Japanese high seas driftnet vessels in the North Pacific Ocean for 1990.

1. Coordinators: The National Marine Fisheries Service (NMFS) of the United States, Department of Fisheries and Oceans (DFO) of Canada and the Fisheries Agency of Japan (FAJ) will take necessary measures within their respective competence for smooth implementation of the scientific observer programs. They will nominate their respective coordinators and exchange the names of their coordinators and contact procedures for implementation of this program by April 15, 1990.

2. Host Vessels: The FAJ will provide a list of the Japanese squid driftnet vessels scheduled to host Canadian and U.S. scientific observers to the DFO and the NMFS respectively by April 30, 1990. Similar lists for large-mesh driftnet vessels will be provided at least one month before the departure of the host vessels. These lists will include the vessel name, size, expected dates for taking on observers, and expected areas of fishing. Host vessels will be selected taking into account the sampling schedules in ANNEX A and views of the DFO and NMFS. The FAJ will notify the DFO and NMFS of the itineraries of each host vessel at least 15 days prior to embarkation of observers.

3. Embarkation and Disembarkation: In principle, embarkation and disembarkation of Canadian and U.S. scientific observers will be from Japanese ports. Should such arrangements be impractical, the embarkation and/or disembarkation of Canadian and U.S. scientific observers to and from the host driftnet vessel may be made via transport or other vessels. The FAJ may arrange for such transportation in consultation with the DFO and NMFS. If necessary, the FAJ will assist scientific observers in the procurement of standard biological supplies and preservatives (formalin, etc.) as may be required for specimen collection.

4. Travel to Port: The DFO and NMFS will provide travel arrangements for Canadian and U.S. scientific observers respectively to and from the ports of embarkation and disembarkation and the cost of stay on land. Canadian and U.S. scientific observers are required to arrive at ports at least two working days prior to the scheduled departure dates of their host vessels.

5. At-sea Transfer: In the event that a host vessel of a Canadian or U.S. scientific observer cannot continue operation and must return to port due to such incident as accident or mechanical trouble, the FAJ will arrange for a substitute vessel to continue observations. However, if such transfer opportunity is unavailable, the observer will return to port aboard the host vessel.

6. Redeployment of Observers: If a Canadian or U.S. scientific observer is unexpectedly returned to port, the FAJ will arrange for the observer to board a substitute Japanese driftnet vessel to complete the required number of observations.

7. Observer Training and Duties: The Alaska Fisheries Science Center (AFSC) of the NMFS will send observer trainers to Japan in early 1990 to coordinate training and standardize sampling procedures with the National Research Institute of Far Seas Fisheries, FAJ (NRIFSF). The NRIFSF will also send Japanese observer trainers to the AFSC in early 1990 to coordinate training and standardize sampling procedures. Canada will also participate in such joint training sessions held at the AFSC. All expenses for the travel described in this paragraph will be borne by the side sending observers.

The duties of Canadian, U.S. and Japanese scientific observers will be standardized according to training procedures developed by the DFO, AFSC and NRIFSF, and will be described in the observer manual. The data collection procedures and data forms used by each scientific observer will be standardized by the DFO, AFSC and NRIFSF.

8. Information: In the event that the FAJ obtains information that will affect the implementation of the above arrangements, the FAJ will immediately provide such information to Canadian and U.S. authorities.

FISHERIES AGENCY
MINISTRY OF AGRICULTURE, FORESTRY AND FISHERIES,
GOVERNMENT OF JAPAN

April 12, 1990

Ambassador Edward E. Wolfe	/Dr. William W. Fox, Jr.
Deputy Assistant Secretary	/Assistant Administrator for
Department of State	/Fisheries
	/National Marine Fisheries
	/Service, Department of Commerce

Dear Ambassador Wolfe / Dr. Fox:

With reference to the letters of Mr. K. Shima dated May 2, 1989 and of Mr. Tanaka dated June 26, 1989, I would like to inform you of the following.

In the 1990 fishing season, the Japanese side will implement the attached regulatory, enforcement and information gathering program on the Japanese squid and large-mesh driftnet fisheries in accordance with the principle that enforcement activities with regard to high seas fishery including, but not limited to, those driftnet fisheries should be conducted under the responsibility and initiative of the flag state.

In devising the program, the Fisheries Agency has paid full respect to the United Nations Resolution A/C 2/44/L.81 and taken into account your concerns regarding the incidental take of North American origin anadromous species by the squid and large-mesh driftnet fisheries. The details of this program are described in the attachment.

Sincerely,

Kouji Imamura
Councillor
Fisheries Agency
Government of Japan
c.c. Dr. J. C. Davis
Pacific Director-Science
Pacific Region
Department of Fisheries and Oceans
Government of Canada

ATTACHMENT

REGULATORY, ENFORCEMENT AND INFORMATION
GATHERING PROGRAM OF THE GOVERNMENT OF JAPAN ON
THE JAPANESE HIGH SEAS SQUID AND LARGE-MESH
DRIFTNET FISHERIES FOR THE 1990 FISHING SEASON

The Government of Japan (GOJ), as a flag state with established jurisdiction over its high seas fisheries on the basis of the principle of the freedom of the high seas, has instituted necessary regulatory measures to control the squid driftnet and large-mesh fisheries on the high seas and has constructed enforcement programs to ensure compliance with those measures for the 1990 fishing season. The Japanese side intends to continue to make information available to the Canadian and U.S. sides.

1. Regulatory Measures

(i) Overview

(a) Squid Driftnet Fishery

In response to the rapid expansion of the squid driftnet fisheries, the GOJ introduced a limited-entry licensing system and other regulations in August, 1981, prohibiting fishing operations in the North Pacific targeting for squid by using driftnets without a license issued by the Minister of Agriculture, Forestry and Fisheries (MAFF). Since then there has been a steady decrease in the number of vessels. The following are the main elements of these measures.

- 1) Limit on the number of the vessels engaged in this fishery
- 2) Limit of the fishing ground and period: in particular, establishment of the northern boundary by month based on the best scientific information available in order to minimize incidental takes of the anadromous species inhabiting waters to the north of the waters where flying squids (*Ommastrephes bartrami*) are distributed.
- 3) Prohibition of retention on anadromous species, even taken incidentally
- 4) Prohibition of transfer of catch at sea
- 5) Mandatory display of the vessel's name, registration number, and license number on the hull for facilitating the identification of the vessel at sea
- 6) Mandatory marking on fishing gears for identification
- 7) Restriction on mesh size for stock conservation

- 8) Mandatory record and submission to the Fisheries Agency of NNSS data in order to identify operational positions
- 9) Mandatory vessel position reports
- 10) Mandatory submission of catch reports to the Government

In the event of the violation of any of the regulations above, penalties will be imposed in accordance with the Japanese domestic regulations.

The period of ‘‘port confinement’’ which is an administrative penalty imposed on violations has been doubled effective from the 1988 fishing season.

(b) Large-mesh Driftnet Fishery

Major enforcement measures imposed upon this fishery have been restrictions on the fishing season, the fishing grounds and the fishing gears. In addition to these measures, the MAFF introduced a registration system to this fishery in August 1989 by modifying its ministerial ordinance. Under this registration system large-mesh fishermen operating on the high seas are required to register their fishing plan in order to engage in the fishery and submit catch reports and other necessary information to the MAFF for a better understanding of the fishing operations.

The following are the main elements of these measures.

- 1) Restriction on fishing ground and period
- 2) Prohibition of retention of anadromous species, even taken incidentally
- 3) Mandatory display of vessel’s name and registration number for facilitating identification of the vessel at sea
- 4) Mandatory marking of fishing gears for identification
- 5) Restriction on mesh size for stock conservation
- 6) Mandatory submission of catch reports to the Government

Based upon the 1989 registration system, the FAJ will adopt a new regulatory system for the high seas large-mesh driftnet fishery at the earliest possible time within 1990. The regulatory system will impose a limited entry system which will restrict the number of vessels which can participate in the high seas fishery for 1990 and beyond, strictly limit new entrants to the fishery, and prohibit expansion of the capacity of fishing vessels. Furthermore, the regulatory system will provide for the adoption of measures which require the deployment of transmitters on all high seas vessels, prohibit transfers at sea, and mandate

the submission of vessel position reports. Other regulatory measures will be adopted as necessary.

In the event of the violation of any of the regulations above, penalties will be imposed in accordance with the Japanese domestic regulations.

(ii) Restriction on the number of vessels

(a) Squid Driftnet Fishery

Licensing certificates will be issued to squid driftnet fishing vessels operating in the North Pacific late in May after the necessary domestic procedures. The number of licensed vessels is limited to that of the previous year.

The list of the licensed vessels, including enlisting name, license number and vessel registration number, will be made available to the Canadian and U.S. authorities on request at the earliest possible time after the licenses are issued. In addition, each driftnet vessel must submit to the FAJ a color photograph of each side of the vessel.

(b) Large-mesh Driftnet Fishery

Based upon the 1989 registration system, the FAJ will impose a new regulatory system to limit the number of fishing vessels to be engaged in the high seas large-mesh driftnet fishery to a number less than the actual number of vessels which operated during the last twelve months. The FAJ estimates that no more than 200 vessels will be permitted in this high seas fishery for the 1990 season and beyond. In addition, each driftnet vessel must submit to the FAJ a color photograph of each side of the vessel. The list of the vessels will be made available to the Canadian and U.S. authorities upon request as soon as possible after the regulatory system is adopted.

(iii) Restriction of fishing period and area

(a) Squid Driftnet Fishery

The operation of the squid driftnet fishery is permitted only within the limits of the waters surrounded by 20 degrees N, 170 degrees E, 145 degrees W and the northern boundary that changes by month (40–46 degrees N). The period in which the operation is permitted is limited from June to December. The northern and eastern boundaries have been specifically established to minimize incidental takes of anadromous species.

For squid driftnet vessels operating during the 1990 fishing season in the area between 170 degrees E to 145 degrees W longitude, the northern boundaries are established as follows:

January through May	Closed to fishing
June	Latitude 40 degrees N
July	Latitude 42 degrees N Between 170 degrees E-170 degrees W Latitude 43 degrees N Between 170 degrees W-145 degrees W
August	Latitude 45 degrees N Between 170 degrees E-170 degrees W Latitude 46 degrees N Between 170 degrees W-145 degrees W
September	Latitude 46 degrees N
October	Latitude 44 degrees N
November	Latitude 42 degrees N
December	Latitude 40 degrees N

The FAJ will, if necessary, revise in subsequent years the northern boundaries established for the months of July and August taking into account the information from the observer program and research cruises and also the views of the Canadian and U.S. sides.

(b) Large-mesh Driftnet Fishery

The FAJ will maintain existing time and area restrictions (Figures 1 and 2), including the prohibition of the large-mesh driftnet operation in the following areas.

- 1) north of 20 degrees N latitude and east of 145 degrees W longitude
- 2) north of the northern boundaries between 170 degrees E and 145 degrees W longitude described below;

January through June	Latitude 40 degrees N
July	Latitude 42 degrees N
August	Latitude 44 degrees N
September	Latitude 46 degrees N
October	Latitude 44 degrees N
November	Latitude 42 degrees N
December	Latitude 40 degrees N

The FAJ will introduce additional northern boundaries established as follows for the indicated areas and times for the large-mesh driftnet fishery, as a part of the new regulatory system.

Between 170 degrees E and 145 degrees W

January through April	Latitude 36 degrees N
May	Latitude 37 degrees N

Area west of 170 degrees E longitude:

January through April	Latitude 36 degrees N
May	Latitude 30 degrees N
June	Latitude 40 degrees N
July through September	Latitude 38 degrees N
October	Latitude 44 degrees N
November	Latitude 42 degrees N
December	Latitude 40 degrees N

(iv) Display of the vessel's name, and other identification on the hull

(a) Squid Driftnet Fishery

In order to facilitate the identification of squid driftnet vessels at sea, displaying vessel's name, license number and vessel's registration number in a specified size on the hull is mandatory for all the licensed vessels.

Each squid driftnet vessel is to be assigned a license number. This license number is to be displayed on both sides of the hull and on both sides of the bridge in a color in contrast to the background. The license number affixed to the hull must be in Roman letters and Arabic numerals at least 50 cm in height. The license number affixed to the bridge must be in Roman letters and Arabic numerals at least 30 cm in height. In addition, each squid driftnet vessel will have two blue stripes, one at least 30 cm in width and the other at least 20 cm in width, surrounding the bridge.

(b) Large-mesh Driftnet Fishery

Each large-mesh driftnet vessel will have one black stripe at least 30 cm in width surrounding the bridge. For the identification of large-mesh driftnet vessels at sea, displaying the vessel's name and the vessel's registration number in a specified size on the bridge is mandatory. The registration number affixed to the bridge must be in Roman letters and Arabic numbers at least 30 cm in height and in a color in contrast to the background.

(v) Marking of fishing gear

Each driftnet vessel is to use methods to identify the driftnet gear it deploys by permanently marking at every tan (45-50 m) of net with the name of the vessel and its corresponding license number or port of registry if the vessel has not been issued a license number. Each vessel is also required to refrain from

discarding used or damaged driftnets, to stow them on the vessel, and to return them to port for proper disposal upon completion of the vessel's voyage. The location, date, and amount of lost fishing gear must be reported to the FAJ.

(vi) Gear prohibition

Driftnet vessels may only carry the gear type for which they are permitted (large mesh (15cm or more) or small mesh (10–13.5 cm)). No driftnet vessel can be permitted to engage in more than one kind of driftnet fishery during any given scheduled fishing trip.

II. Enforcement program

(i) Intensification of enforcement activities

In the 1990 season, enforcement activities such as the deployment of patrol boats and surveillance at landing ports by Japanese enforcement officers will be maintained.

The number of vessel–days of patrol cruises focusing mainly on the enforcement of the northern boundary will be maintained in the 1990 season (5 patrol–boats to be deployed for about 600 vessel–days in 1990).

(ii) Communication with the U.S. enforcement authorities

FAJ will conduct surveillance and boardings of Japanese driftnet fishing vessels, both dockside and at sea. On the high seas, FAJ will coordinate with the appropriate U.S. authorities communications between their respective patrol units. Both sides will use state–of–the–art communications equipment such as International Marine Satellite (INMARSAT) and facsimile to facilitate communications, where possible.

(iii) Utilization of the information supplied by the U.S. officials in Japanese investigations

The Japanese side intends to continue to utilize, to the maximum extent, the information supplied by the U.S. officials indicating alleged violations by the Japanese driftnet fishing vessels, in the investigation and identification of the violator. In order to facilitate the investigation on the Japanese side, photographs are expected to be as clear as possible, and/or with reliable information of sighting positions.

The Japanese side intends to continue to provide the U.S. authorities with the results of its investigation, which has utilized the information supplied by the U.S. officials, including specific penalty imposed on the violators.

(iv) Notice of the outline of Japanese enforcement activities:

The Japanese side intends to continue to be prepared to provide the Canadian and U.S. authorities with the outline of the Japanese enforcement activities on a voluntary basis.

III. Exchange of Enforcement Observers

The Japanese side is prepared to invite a U.S. observer to at least one 30 day patrol cruise of the Hakuryu-maru of FAJ in 1990.

The Japanese side understands that the U.S. side will invite a Japanese observer to get on board a U.S. Coast Guard surveillance plane. The flight will stage out of Coast Guard Air Station, Kodiak, Alaska or other appropriate U.S. facilities.

The Japanese side also understands that both sides will pay the travel and per diem costs of their own observers and each side will cover all operational costs of their patrol operations.

IV. Deployment of Satellite Transmitters

In 1990, real-time automatic satellite position fixing devices (transmitters) will be deployed by the relevant fishery organization on board 100% of the Japanese squid and large-mesh driftnet fishing vessels which allow automatic, real-time monitoring of the location and identity of each vessel.

All squid driftnet vessels which have pre-scheduled their first cruise from the beginning of the fishing season have ordered transmitters to be installed before their first scheduled departure. Those vessels which will not be able to install transmitters before their first scheduled departure due solely to reasons beyond the control of the vessel owner will be required to be equipped with the device in their second cruise. In any case, all vessels leaving port after July 1 will be equipped with operating satellite transmitters.

Real-time vessel location and identification data and information from the satellite transmitters will be made available to the FAJ under contract with Argos. Based upon the information received from Argos, the FAJ will take immediate and appropriate action as required.

The FAJ authorizes Argos to make those data and information available to the appropriate Canadian and U.S. authorities under contract between Argos and these authorities. In this connection, it is confirmed that such access by those Canadian and U.S. authorities to the said data and information shall not be deemed to authorize in any way the Canadian and U.S. sides to be engaged in enforcement activities with respect to Japanese high seas squid driftnet fishery and large-mesh driftnet fishery. The Japanese side understands that raw transmitter data shall be kept confidential within these authorities.

V. Exchange of information on driftnet operations by the vessels of non-contracting parties to the INPFC

When Japanese patrol vessels have witnessed driftnet operations by the vessels of non-contracting parties to the INPFC which are deemed to be engaged in fishing for anadromous species, the Japanese side will continue to transmit the following information on those vessels to the Canadian and U.S. sides as quickly as possible.

All driftnet vessels of non-contracting parties to the INPFC sighted by the Japanese salmon fishery patrol vessels and those vessels of non-contracting parties to the INPFC sighted in operation in waters north of the northern boundary by the Japanese squid fishery patrol vessels will be reported. Information will include if available:

1. position (coordinates) sighted
2. nationality and registry
3. name of vessel
4. registration number
5. estimated tonnage
6. color of hull
7. activities, including description of fishing procedures, nature of catch, and estimated course and speed

FIG. 1 Chart of Fishery-prohibited areas in large-mesh driftnet fishery

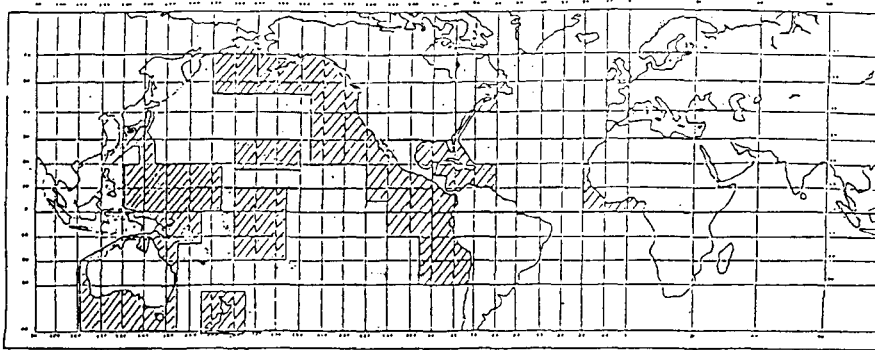
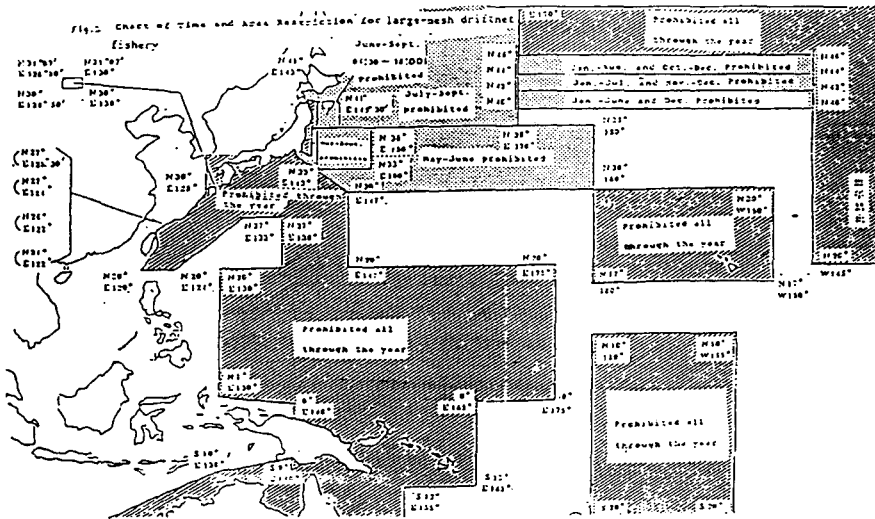


FIG. 2 Chart of Time and Area Restrictions for large-mesh driftnet fishery



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1135 East-West Highway
Silver Spring, MD 20910
OFFICE OF THE DIRECTOR

April 12, 1990

Mr. Koji Imamura
Councillor
Department of Oceanic Fisheries
Fisheries Agency of Japan
2-1, 1-Chome, Kasumigaseki
Tokyo 100, Japan

Dear Mr. Imamura:

Thank you for your letters of April 12, 1990, regarding the collection and exchange of scientific information under the 1990 programs for the Japanese squid driftnet and large-mesh driftnet fisheries and the enforcement programs for these fisheries.

The U.S. Government reaffirms its support for the United Nations General Assembly Resolution, "Large Scale Pelagic Driftnet Fishing and its Impacts on the Living Marine Resources of the World's Oceans and Seas." We are pleased to participate in the programs designed to collect and share scientific data. Our participation in these programs, however, does not signify our satisfaction with, or approval of, the measures described in your letters, their Annexes and Attachments, as effective to prevent unacceptable impacts of these fisheries on the living marine resources of the North Pacific or to ensure the conservation of these resources.

We have repeatedly and consistently protested the Fisheries Agency of Japan's decision to extend the northern boundary of the squid fishery for July and August. Such an expansion of the fishery is unwarranted in view of the risk that such expansion will have unacceptable impacts on the living marine resources of the region. We place great importance on your decision, in the regulatory, enforcement, and information gathering program, to revise the boundary next year if the results of the scientific program warrant a change.

TIAS 11726

Finally, we would like to repeat the position of the U.S. Government that the United States has jurisdiction over U.S.-origin anadromous species throughout their migratory range, except during the time they are found within another nation's territorial sea or 200-mile zone as recognized by the United States. The United States has great concern for all living resources of the North Pacific, as expressed in the United Nations Resolution mentioned previously.

Sincerely,

William W. Fox, Jr.

Edward E. Wolfe
Deputy Assistant Secretary
Oceans and Fisheries Affairs
Department of State