



February 14, 1983

End of the Year Report for 1982

I am reporting to you on the mission, programs, activities, significant accomplishments, organization of the National Marine Fisheries Service (NMFS), and major legislative actions involving fisheries at the national level during 1982. Many important issues were addressed, including the preparation of fishery management plans, development and implementation of an improved methodology for collecting foreign fishing fees, preparation of a fisheries habitat policy, development and implementation of a multidisciplinary program of research, continued implementation of a marine recreational fisheries policy, and further development of a cooperative State-Federal enforcement program.

During 1982, we put a lot of effort into a process called strategic planning. Strategic planning is designed to provide a framework for program, budget, and individual planning. It helps us examine our activities closely, set priorities to match available resources, and evaluate results in meeting the priority needs that are identified.

Our mission -- the mission of NMFS -- has been formally accepted by the Secretary of Commerce. It is to:

"Achieve a continued optimum utilization of living marine resources for the benefit of the Nation."

Assuring continued resource productivity through conservation and management will yield substantial benefits to the Nation. These benefits include: jobs, profits, export earnings, subsistence, recreation, a better nourished populace, and a healthy ecosystem. Our mission includes the creation of a business climate conducive to the production of economic benefits and the guardianship of basic resource and esthetic values. In fact, the Department of Commerce's mission encompasses two long-term goals that deal with restoring and maintaining living marine resources and their environments, and increasing by 40 percent the commercial and recreational fishing industry's contribution to the Gross National Product.



Four national goals have been selected to carry out NMFS' mission. They cover our four major areas of interest and responsibility: (1) conserve and manage marine recreational and commercial fishery resources, (2) contribute to the stability and growth of the Nation's fishing industry, (3) conserve marine mammals and endangered species, and (4) conserve marine environments that sustain our valuable living marine resources.

National and regional program strategies are based on national and regional objectives; they categorize the products and services of the NMFS needed to achieve the Agency's goals. The milestones (specific events, products or services) for achieving these objectives are detailed in the operating plans of NMFS that are prepared each year. These milestones, in turn, are incorporated into Senior Executive Service (SES) and Merit Pay contracts.

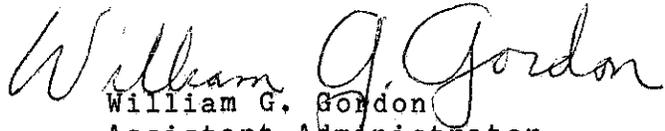
Effective on December 1, 1982, NMFS was restructured to achieve greater efficiency and effectiveness of operation. I expect the restructuring to reduce an over-extended span of control, provide more effective program management, and allow me to devote more time to constituency liaison and substantive policy formulation. In this connection, I have established a contact point for constituent input on major policy matters in the Assistant Administrator's Office. The necessary and important interaction with the various constituent groups that we serve has been too long neglected. To effectively do our job, we need to gain an even greater appreciation of the views of the leaders in the commercial and recreational fishing industry, state and local government, academia, and the conservation and environmental communities. A small unit, reporting directly to me, has been established to accomplish much of this interaction. It is functioning strictly in a staff capacity and affords national constituent groups a vehicle for providing views and opinions. I view interaction with Congress and the national constituent groups as one of my primary functions, and that of my deputy.

In conjunction with restructuring at the Washington Office level, I expect whenever possible to delegate operational responsibilities to the Regional Offices and Fishery Centers. An organizational chart of the new NMFS structure, including names and phone numbers of my senior staff, is enclosed for your information.

This report reflects the progress made in achieving the mission and goals of NMFS. It is divided into the major headings: resource research, resource utilization and development, resource management, and legislative activities.

I hope you will let me have the benefit of your thinking about the activities and programs of the NMFS, and that the enclosed, rather detailed, report will be of interest and value to you.

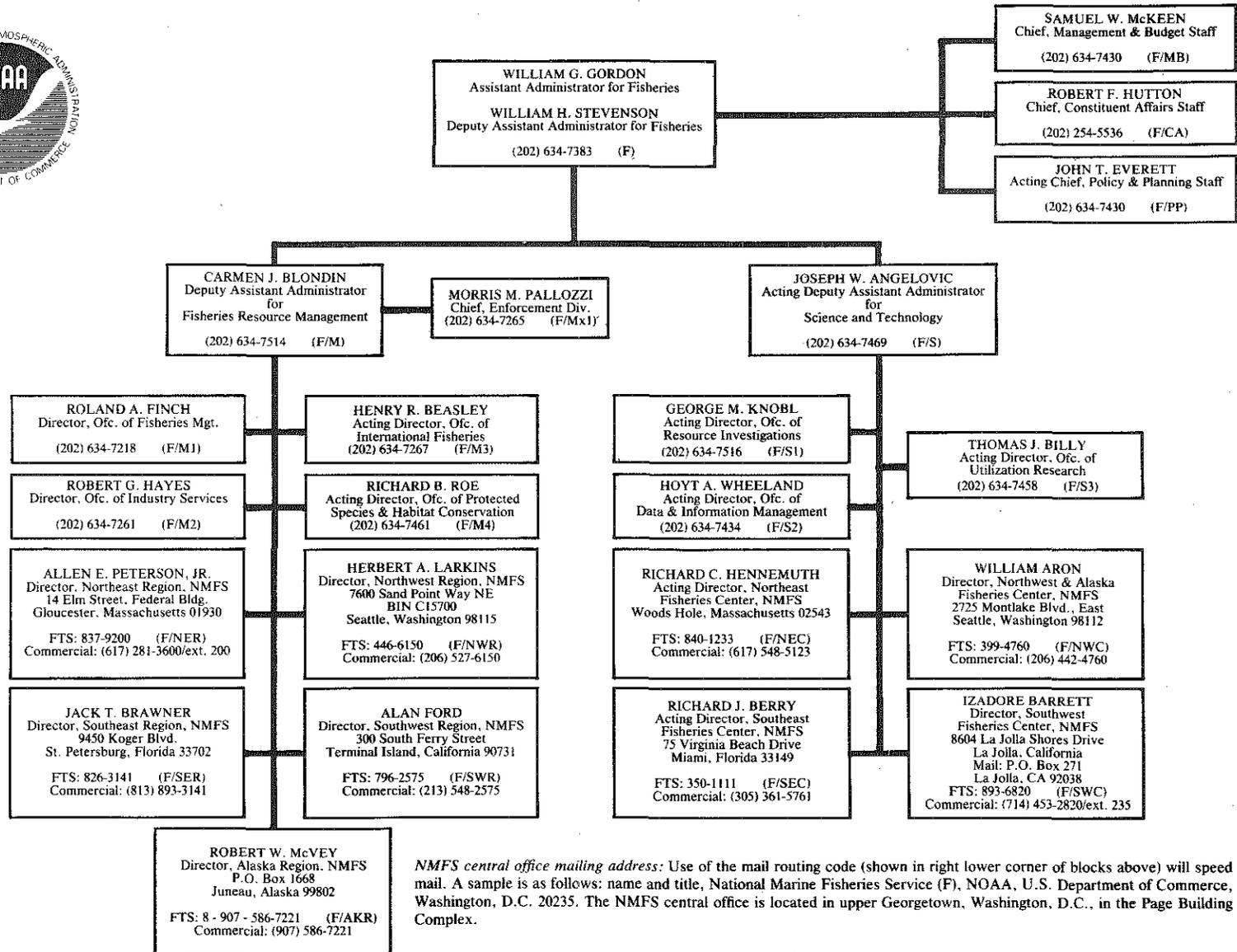
Sincerely yours,


William G. Gordon
Assistant Administrator
for Fisheries

Enclosures (2)



ORGANIZATION NATIONAL MARINE FISHERIES SERVICE



NMFS central office mailing address: Use of the mail routing code (shown in right lower corner of blocks above) will speed mail. A sample is as follows: name and title, National Marine Fisheries Service (F), NOAA, U.S. Department of Commerce, Washington, D.C. 20235. The NMFS central office is located in upper Georgetown, Washington, D.C., in the Page Building Complex.

RESOURCE RESEARCH*

The NMFS conducts a multidisciplinary program of research and information collection and analysis on the conservation and rational use of living marine resources and seeks to increase their aesthetic, economic, and recreational value to the Nation. Important components of this program include: (1) resource and fishery assessment; (2) habitat investigations; (3) aquaculture; and (4) marine mammals and endangered species. Major activities and accomplishments in 1982 include:

I. Resource and Fishery Assessment

- o Developed significant new information on the life histories of short-finned squid, ocean quahogs, and Atlantic mackerel.
- o Documented the continuing sand lance population explosion, whereby this species has replaced herring and mackerel as the dominant semipelagic fish in the NW Atlantic.
- o Continued the NMFS Cooperative Shark Tagging Program with 2,500 fishermen and scientists tagging 5,000 Atlantic sharks and other fishes representing 38 species, and returning tags from 18 species, some showing transoceanic movements.
- o Documented feeding and growth of mako and sandbar sharks--the former consuming 5-17 thousand tons of bluefish annually in the NW Atlantic.
- o Georges Bank investigations that indicate that heavy predation by a few major fish species on young post-larval fishes may control most of the variability in recruitment.
- o Implicated viral enteritis as cause of a massive kill of southern flounder in North Carolina.
- o Determined that half of the adult female blue king crabs of Olga Bay, Kodiak Island, were infected with a castrating rhizocephalan parasite thus making fertilization impossible.
- o Began a multinational study of a hemoparasite that may cause the unexplained large fluctuations in the NW Atlantic mackerel stock.
- o Completed a description of the systematics, morphology, and distribution of the 18 worldwide species of Spanish mackerels.

*For further information contact Norris Jeffrey at 202/634-7466 or appropriate Center Director.

- o Completed a guide to the shrimps, lobsters, and crabs of the Atlantic coast from Maine to Florida.
- o Analyzed 30 years of longline catch records for 12 species of apex predators from the Grand Banks to the Gulf of Mexico. Analyses indicated a continuing decline in swordfish.
- o Implemented the three-tier fisheries data collection system that is the basis for many of our stock assessments in the NW Atlantic.
- o Increased the biological sampling of commercial catches in the NW Atlantic by 81%, including 200-400% increases for some important species and first-time-ever samples for others.
- o Used the new sea scallop survey and resulting data as basis for 1982 New England Fishery Management Council's fishery management plan for this species.
- o Provided stock assessment information in support of NMFS effort in U.S.--Canada maritime boundary dispute in the NW Atlantic.
- o Developed memoranda of understanding with coastal fishery agencies in the southeastern United States for collection of statistical information on fisheries.
- o Continued the Southeast Area Monitoring and Assessment Program, a cooperative State/Federal effort for providing resource information using fishery independent surveys.
- o Provided a scientific analysis of the impacts of the "Texas closure" management measure in the Gulf of Mexico Shrimp Fishery Management Plan.
- o Completed a SE Region Marine Recreational Fisheries Program Plan that provides for research on recreational species.
- o Completed, in cooperation with the Harbor Branch Foundation of Ft. Pierce, Florida, a survey of south Florida's wire fish trap fishing grounds using the submersible, JOHNSON SEA LINK, to determine the extent and distribution of lost traps, often called ghost traps.
- o Completed a study of the by-catch of king mackerel in the south Florida Spanish mackerel gill-net fishery. Estimates of king mackerel were less than 1% of the total catch.
- o Utilized high resolution radiometer measurements from the NOAA polar orbiting satellites to assist in analyzing the occurrence of an area of low dissolved oxygen and low fish biomass along the coast of Louisiana.
- o Continued larval fish research cooperatively with NOAA's Atlantic Oceanographic and Meteorological Laboratory to investigate how ecological factors control survival and growth of larval fish in the northern Gulf of Mexico.

- o Developed techniques for using ocean temperature and color measurements from remote sensing satellites in conjunction with biological data from research vessels and fishing logbooks to define spawning habitat of northern anchovy and areas for high availability of albacore tuna.
- o Continued development of the Pacific Fishery Information Network, a State/Federal shared statistical fishery management support system, that provides a common and accessible fishery data base to managers and researchers in the Pacific and Western Pacific areas.
- o Developed a new biochemical technique for investigating genetic relationships in skipjack tuna.
- o Developed a new method, called the "egg production method," for estimating anchovy spawning biomass. An anchovy production model developed from this information forms the basis for a new draft Anchovy Management Plan.
- o Continued a major program of fishery-independent resource assessment surveys in the NE Pacific, Gulf of Alaska and the Bering Sea. A total of 14 different surveys using both chartered and NOAA ships was completed in 1982. These surveys provided valuable information for management of king crab, tanner crab, cod, yellowfin sole, pollock and rockfish.
- o Provided vital scientific information for the development of the following fishery management plans and their amendments: Bering Sea/Aleutians groundfish, Gulf of Alaska groundfish, Bering Sea king crab, Bering/Chukchi Sea herring, Tanner crab off Alaska, Pacific coast salmon, and groundfish off the Pacific coast.
- o Completed the largest ever adult pink and sockeye salmon tagging and recovery program as an integral part of the US/Canada salmon interception research plans developed cooperatively with the Alaska Department of Fish and Game and Canada's Department of Fisheries and Oceans.
- o Conducted surveys of marine recreational fishermen on the Atlantic, Gulf, and Pacific coasts to provide information for fishery management purposes.
- o Continued the collection and dissemination of statistics on domestic commercial fisheries and foreign fisheries in the U.S. FCZ.

II. Habitat Investigations

- o Continued to monitor the environmental quality of coastal habitats from Maine to North Carolina, showing heavily degraded habitats in the New York Bight, Delaware, and Chesapeake Bay.
- o Developed new field monitoring techniques, including immunological ones, to pinpoint contaminant effects on marine species.
- o Demonstrated low survival of striped bass eggs in the lab when collected from females with high organochlorine contamination levels.

- o Finished a 10-year in-situ study of the submarine canyon habitats off the New England and Mid-Atlantic States, showing the value of these habitats as a refuge and nursery for important species.
- o Continued to document in-situ the ecological conditions on Georges Bank both before and during oil and natural gas drilling.
- o Completed a four-year monitoring study of the prevalence of pollution-associated diseases among 150,000 finfishes from 4,500 trawl stations in the NW Atlantic.
- o Demonstrated that potentially (human) pathogenic protozoans and sewage associated bacteria can serve as markers for the spreading of sewage sludge at the Philadelphia and New York Bight dumpsites--several strains of protozoans from these sites killed experimentally infected laboratory mice.
- o Prepared a report on the physical oceanographic features and processes pertinent to pollution concentration or dispersion in northeastern U.S. coastal waters.
- o Established a cooperative program with URI to provide enhanced satellite data on the synoptic oceanography (i.e., broad area, short time) of the NW Atlantic.
- o Concluded that the chronic, low-level exposure to multiple pollutants, directly and indirectly, is contributing to the decline of the San Francisco Bay striped bass population.
- o Completed analyses of data from a study of chemical contaminants and diseases of demersal fishes in Puget Sound. Indications are that serious liver diseases (including tumors) in flatfish are pollution related.
- o Continued the successful steelhead smolt transportation system in the Snake and Columbia River system testifying to the success of the research program on smolt transportation conducted by NMFS under contract to the U.S. Army Corps of Engineers.
- o Completed field studies to determine effectiveness of buffer zones of uncut timber along streams for protecting anadromous fish habitat and to measure the effect of log transfer sites on crabs, clams and their habitats.

III. Aquaculture

- o Developed a bay scallop aquaculture system.
- o Prepared a selective breeding program for genetic improvement of aquacultured oysters.
- o Improved an algal culture method which reduces the cost to shellfish hatcheries for raising such food.

- o Fertilized summer flounder embryos with sperm preserved for one year at -70°C , showing value of cryopreservation in the artificial propagation of this species.
- o Held two workshops for Federal and State officials from Atlantic coast states on methods for controlling the spread of infectious shellfish pathogens and preventing the introduction of undesirable exotic species.
- o Completed arrangements for a cooperative project with Japanese scientists at Kinki University, Japan, to spawn and rear skipjack tuna.
- o Spawned white sea bass, a fish highly prized by California fishermen for its fine, mild flavor, for the first time in captivity under controlled conditions.
- o Reared large numbers of Pacific salmon from wild stocks to maturity in marine net-pens in Puget Sound, Washington. These cultured salmon will become broodstock to provide eggs to supplement the remaining wild representatives of these stocks. The same technology is being applied for enhancement of Atlantic salmon wild stocks.
- o Continued successful chinook enhancement program at Little Port Walter, Alaska, with the second consecutive return of mature females and the collection of 0.5 million eggs.

V. Marine Mammals and Endangered Species

- o Completed development of a Turtle Excluder Device (TED) that attaches to the throat of commercial shrimp trawls to reduce catch and subsequent mortality of sea turtles.
- o Initiated testing of a computerized at-sea tracking system, developed to improve procedures for estimating size of marine mammal populations such as dolphins.
- o Conducted a census of California sea lion pups at all major pupping sites in California.
- o Continued development on a "Headstart" project for the endangered Hawaiian monk seal. Recently born pups are maintained in a protective enclosure for 4-5 months prior to release.
- o Developed more accurate estimates of bowhead whales for the IWC Scientific Committee.
- o Completed second year of research on Glacier Bay humpback whales. Research will form the basis for renewed consultation between NMFS and the National Park Service on the impact of vessel traffic on whales in Glacier Bay, Alaska.

RESOURCE UTILIZATION AND DEVELOPMENT*

The NMFS Fisheries Development Program is designed to accomplish two objectives. They are to maintain stability in and strengthen traditional fisheries and to promote further growth in the fishing industry through increased use of non-traditional fisheries. Major efforts supported in this program include:

- (1) Export and domestic market development;
- (2) Fisheries trade policy;
- (3) Saltonstall-Kennedy grants;
- (4) Regulations coordination;
- (5) Fisheries obligation guarantees;
- (6) Fishing vessel capital construction fund;
- (7) Fisheries loan fund;
- (8) Fishermen's guaranty fund;
- (9) Fishermen's gear damage fund;
- (10) Fishermen's contingency fund; and
- (11) Utilization research.

Major Activities and Accomplishments in 1982 include:

o "Catch America" entered a second year of consumer education and U.S. market development efforts with a program called "Seafood USA". Seafood sales are expected to reflect an increase, again of approximately 15-18 percent, in the 20 cities where "Catch America" marketers have targeted information and seafood supply to retailers. The program has again claimed national press coverage. At the 1982 Food Marketing Institute Trade Show, the "Seafood USA" re-creation of a seafood section of a grocery store caught the attention of retailers and the press. The booth received national press coverage and the industry made significant strides bolstering the image of seafood and seafood sales. The industry received 153 inquiries for supply, technical assistance, and information. These 153 inquiries represented over 9,000 grocery stores nationwide. At the 1982 National Restaurant Show, over 550 contacts were made for supply and information. To strengthen and formalize the "Catch America" marketing system, a national committee was formed in 1982 between the Fishery Development Foundations, National Fisheries Institute (NFI), and NMFS representing a strong commodity coalition. Sales results will not be tabulated until early 1983.

o The NMFS tariff and trade policy program contributed to improvements in the competitiveness of the U.S. fishing industry in two ways: (1) by working with the Congress and the Department of Commerce (DOC) to assist in the passage of legislation which will accelerate the reduction of U.S. customs duties on fish net imports, and (2) by providing import

* For further information contact Robert G. Hayes at 202/634-7261 or appropriate Regional Director.

sensitivity analyses to an inter-agency group which helped domestic sardine canners resist successfully foreign requests for abolition of U.S. duties on that product.

o In March, NMFS participated in the U.S./Japan Trade Subcommittee talks in Tokyo, the first time fisheries have been raised to that level. NMFS staff briefed Deputy U.S. Trade Representative David McDonald on the issues and delivered U.S. fishery requests at the plenary session. Throughout the year, NMFS has continued to work with the International Trade Association (ITA), the U.S. Trade Representative (USTR) and the Department of State on fishery trade issues.

o In June, NMFS sponsored a meeting between U.S. and Japanese industry which resulted in commitments for Japanese purchase of fish from U.S. fishermen of 120,000 mt from June 1, 1982, to May 31, 1983, and an additional 200,000 mt between June 1, 1983, and May 31, 1984.

o The NMFS received 300 applications for Saltonstall-Kennedy (S-K) Act funding for fisheries development and utilization research and development projects. The projects were given intensive review involving many members of the fishing industry. A total of \$8 million was available for funding allowing NMFS to fund 61 projects. The funded projects support commercial and recreational fisheries development programs in each NMFS region and supplement industry activities in these areas. Principal recipients of S-K funding were the Fishery Development Foundations, organizations established by members of fishing industry to coordinate and communicate fishing industry development activities.

o In July, NOAA and the Small Business Administration signed an agreement to assist small or disadvantaged fishery firms to export fishery products. Under the terms of this agreement, two firms (one representing catfish farmers and the other an exporting firm from Alaska) were selected to participate in the SIAL '82 World Food Show in Paris, France.

o NMFS organized and participated in a number of overseas food shows in 1982, including the 14th International Trade Fair of the Food Industry (ROKA) show in Utrecht, Holland; the 23rd International Food Exhibition (IKOFA) '82 show in Munich, West Germany; and the SIAL '82 World Food Show in Paris, France. Twenty-three participating firms reported \$15 to \$20 million in orders during this six-day show—slightly over 5% of the total \$258 million in United States fishery products exported to the European Economic Community (EEC) during 1981.

o Shoreside facilities financing under the Fisheries Obligation Guarantee Program was largely implemented in 1982. This self-financing program had been available previously for financing the construction, reconstruction, or reconditioning of fishing vessels. Amendment of program legislation made financing available for fishery shoreside facilities on the same basis as fishing vessels. Proposed rules were published on August 3, 1982. Final rules were published on December 24, 1982.

o The Fishermen's Contingency Fund compensates fishermen for property and economic damage caused by obstructions associated with offshore energy activities. The program involved very long claim-processing times until

NMFS/NOAA sought and received corrective legislation. That legislation was implemented during 1982. Program claims are now being processed within 30-45 days, compared with 5-7 months previously.

- o NMFS negotiated an increase in the Japanese import quota for herring. The new quota, increased by 9,000 mt to 54,000 mt, resulted in an increased U.S. export of 8,000 mt through October. Changes in the administration of the quota are also expected to benefit U.S. exporters through increased prices.

- o The NMFS and the Foreign Commercial Service (FCS) of the DOC signed a Memorandum of Understanding which provides FCS assistance overseas for market studies, promotional assistance, and trade barrier research. NMFS personnel attended regional FCS briefings in Barcelona, Tokyo, and Bogota, using briefing books and slides dealing with U.S. seafood exports and market development efforts, to brief U.S. FCS personnel from over 40 overseas posts.

- o The NMFS has published a discussion of U.S. voluntary grade standards, Federal specifications, Commercial Item Descriptions (CID), and international standards and codes of practice for fish and fishery products. The discussion explains the purposes, development, and use of these standards and specifications.

- o During 1982, the following standards and CIDs were completed.

- * A purchase specification for fresh and frozen dressed catfish was developed by the NMFS and used by the U.S. Department of Agriculture (USDA) to purchase \$2.5 million worth of dressed catfish for various feeding programs.

- * A draft standard for grades for fresh and frozen Pacific salmon was developed for trial use.

- * Interim U.S. standards for grades of shrimp were published for industry comment and responses are being evaluated.

- o Under a contract research grant, to the U.S. Army laboratories at Natick, Massachusetts, tests were developed for measuring edibility and functional characteristics of fish flesh for about 20 species for entry into a data bank. A manual for the protocol and test methods was developed, and the training of NMFS laboratory personnel to use these tests was completed, which will allow NMFS to continue development of the data bank.

- o The NMFS data on the economic impact of PCB's in fish were supplied at FDA hearings on the proposal to reduce the PCB action level from 5.0 to 2.0 ppm.

- o The NMFS staff provided assistance to the State of Alaska Department of Environmental Conservation to design a mandatory state inspection program for fishery products.

- o The State of Louisiana was aided in modifying its purchasing procedures to allow increased use of DOC inspected products with the State feeding programs.
- o Cooperative agreements were signed between NMFS and the States of Alabama and Mississippi for providing inspection services to interested parties as part of the NMFS voluntary National Seafood Inspection Program. There are currently 11 Cooperative State/Federal Agreements for the voluntary inspection of fish and fishery products.
- o Agreements for the cross-use of inspection personnel were signed by NMFS and the following organizational units of USDA: 1) Dairy Grading Branch, 2) Meat and Poultry Inspection Operations Branch, and 3) Meat Grading and Certification Branch. The National Seafood Inspection Program has made frequent use of USDA inspection personnel in the past through the agreement that exists with the Fruits and Vegetables Division of USDA. NMFS anticipates that these additional State/Federal and cross-use agreements will enable the NMFS voluntary Inspection Program to provide inspection services at a reasonable cost to interested parties in areas which are currently too remote for NMFS inspection personnel.
- o The Inspection Program developed and implemented a reconditioning procedure at the request of Bumble Bee Seafoods for the reconditioning of approximately 40 million cans of tuna. The company began the recall of the canned tuna on June 4, 1982, after being informed by the FDA through the investigation of consumer complaints that cans of tuna packed during 1981 and 1982 in its Honolulu, Hawaii, plant may contain a small hole in the side of the can.
- o Established the NMFS-URI (University of Rhode Island) Cooperative Fishery Engineering Unit by transferring three NMFS fishery engineers and the NEFC's R/V Gloria Michelle to URI's Narragansett Campus.
- o Completed a study on maintaining quality of fresh and frozen dogfish.
- o Determined that a parasitic roundworm in Chesapeake Bay eels, although very similar to one in northern European eels, was a different species, thus preventing a threatened embargo of American eels into Denmark.
- o Completed the Experimental Processing Laboratory in Charleston, South Carolina. This facility increases the potential for cooperative research in experimental processing research with other organizations. Capabilities such as mechanical scaling, heading, gutting, filleting, and mincing are available.
- o Promoted the development of a specific and sensitive test for ciguatoxin in seafoods. Researchers at the Medical University of South Carolina, the College of the Virgin Islands, the University of Hawaii and the U.S. FDA are actively working on immunoassays for ciguatoxin.
- o Conducted a successful fishing demonstration off the coast of central California that showed that shortbelly rockfish could be caught in larger quantities. This effort may pave the way for development of expanded uses for this species.

FISHERY MANAGEMENT*

The NMFS is responsible for the overall administration and implementation of Public Law 94-265--the Magnuson Fishery Conservation and Management Act of 1976 (MFCMA). In addition, NMFS develops broad criteria and guidelines for managing fisheries as a national resource, and fosters State/Federal fishery management cooperation and integration of efforts for multi-jurisdictional fisheries. The year 1982 changed the fishery management planning world; concepts and initiatives begun by NMFS and among the Councils in earlier times came together this year in major legislative and operational realignments that are expected to have far-reaching positive effects. Major activities and accomplishments in 1982 include:

I. Legislative

- o Future fishery management activities will be shaped by PL 97-453 (see Magnuson...Act Amendments under LEGISLATIVE ACTIVITIES).

II. Operational

- o A major revision and updating of the 1977 interim guidelines, reflecting current Secretarial interpretations and several years of operational experience in resolving fishery management issues, has been completed by NMFS. The guidelines are designed to improve the quality of FMP's by providing clearer, more comprehensive guidance and to result in a more uniform understanding of the Secretary's basis for FMP review and implementation. They represent an expression of National policy and a theoretical and programmatic checklist of factors to be balanced in the fishery management process. The proposed guidelines were reviewed by the Councils and key Congressional staff and were published in the Federal Register on June 23, 1982, for public comment. Final guidelines are expected to become effective early in 1983.

- o To provide the ability to respond to unpredictable events quickly (unexpected resource surges of failures or environmental catastrophies, for example), the framwork plan process was authorized in 1981 and further refined in 1982, under which an approved FMP containing a range of management options with clear criteria for their application can be implemented without amendment to either the plan or even the regulations, in some cases. The guidance sent to Councils in May 1981 was supplemented in 1982 by the granting of NMFS' request to the Office of Management and Budget for exemption from review (under E.O 12291) of those regulations implementing such framwork plans if within the authorized scope of action. The exemption was granted for the year beginning in December 1981, and renewed for another year in December 1982. With the cooperation of the DOC, the effect of this is that soundly-based adjustments to FMPs

* For further information contact Roland Finch at 202/634-7449 or appropriate Regional Director.

that are within the scope of the approved framework measure can be taken in 1 to 4 days. Once in place, after the normal review and public comment process, the framework can continue to be implemented rapidly essentially at a Regional level, providing for dynamic flexible fishery resource management.

o On March 30, 1982, NOAA Administrator Byrne approved a NMFS proposal to shift emphasis for reviewing, approving, and implementing FMP's to the NMFS Regional Directors. Efforts to implement this decision, which were underway in 1982, are being reviewed in light of the amendments to the MFCMA.

III. Other Activities

The following FMP/Preliminary Management Plans (PMP's) and amendments were completed with the final regulations:

- * Bering Sea/Aleutian Islands Area Groundfish FMP
- * Pacific Coast Groundfish FMP
- * Interim Groundfish FMP (Northwest Atlantic)
- * Atlantic Sea Scallops FMP
- * Gulf of Mexico Spiny Lobster FMP
- * Amendment 1a and 2 to Bering Sea Groundfish FMP
- * The 1982 amendment and the Secretarial amendment to West Coast Salmon FMP
- * Amendment 1 to the Stone Crab FMP
- * Amendment 10 to the Gulf of Alaska Groundfish FMP
- * Part of an amendment to the Atlantic Billfishes and Sharks PMP
- * A Secretarial amendment to the Pacific Groundfish FMP
- * Two amendments to the Gulf Shrimp FMP

o The following PMP/FMPs and amendments were approved but are not yet implemented:

- * Coastal Migratory Pelagic Resources FMP
- * Caribbean Spiny Lobster FMP
- * Part of an amendment to the Bering Sea Groundfish, Amendment 5 to the FMP
- * A notice to rescind the Atlantic Herring FMP
- * Part of an amendment to the Atlantic Billfishes and Sharks PMP

o The following actions were disapproved:

- * Pacific Billfish and Sharks FMP
- * Part of Amendment 4 to Bering Sea Groundfish FMP
- * Part 5 of Amendment 8 to the Gulf of Alaska Groundfish FMP
- * Part of the 1982 amendment to the West Coast Salmon FMP

o During 1982, 132 regulatory actions in fishery management were published in the Federal Register. Of these, 49 were management actions under exemption from OMB review (some were published with a total review time of as little as 1-3 days through all Washington headquarters Offices). The NMFS Regulations and Permits Division accounts for about 1/3 of all regulations published by the DOC.

o In April, a meeting of fishery administrators from NOAA/NMFS, coastal and Great Lakes States, as well as the island territories and commonwealths, was convened to solicit comments, advice, and recommendations that would assist NOAA/NMFS in its decisions to adjust State/Federal program/policies under "New Federalism." Inputs and recommendations resulting from this meeting are undergoing policy analysis.

o As required under the authority of the Salmon and Steelhead Enhancement Act members were appointed and financial support was provided to the Salmon and Steelhead Advisory Commission; a series of organization meetings were held; the Northwest Regional Director was selected as chairperson; and a support staff was hired and an office established in Olympia, Washington.

o During FY 1982, \$4 million was apportioned to the States and territories to conduct State-based, commercial fishery research and development projects under PL 88-309. Similarly, \$3 million in PL 89-304 grants was also approved to coastal States and other non-Federal entities for conservation and enhancement of anadromous fish stocks.

o Research studies under Section 7 of the Emergency Striped Bass Study were conducted by coastal States, and Federal and university laboratories. This program focused on egg, larval, and juvenile distribution and abundance surveys, and characterization of the sex, age, and stock composition of the sport and commercial fisheries. The study also examined the potential causative factors for the recent decline in stock size by studying contaminant toxicity, fry/food mismatch in time and/or space; predation on fry; competition; natural climate events; exploitation; and sewage treatment, as well as other water use and agricultural practices. However, unless extended by Congressional action, activities under Section 7 will conclude in 1983.

o The NMFS is in the process of implementing a new marine recreational fisheries policy as approved in October 1981. As part of this implementation, the NMFS has funded an extensive study to assess the significance of the economic activities associated with the marine recreational fishing industry and analyze the industry's growth opportunities.

o The International Commission for the Conservation of Atlantic Tunas (ICCAT) held its third special meeting in Funchal, Madeira Island, Portugal, November 10-17, 1982, and was preceded by a meeting of the Standing Committee on Research and Statistics (SCRS), October 28-November 9, 1982. The Commission reviewed the 2-year moratorium on bluefin tuna fishing in the western Atlantic adopted in 1981, and based on the SCRS findings, the Commission increased the total allowable catch of bluefin tuna for this area to 2,660 metric tons (mt) from the 1,160 mt level in effect during 1982. The U.S. share of the catch will increase from 605 mt to 1,387.3 mt, and the share for Canada and Japan will be 573.3 mt and 699.4 mt, respectively.

o The 1981 foreign fishing fee collections books were closed in mid-1982. The total amount of \$24 million was collected in poundage fees from

eight foreign nations fishing in the fishery conservation zone (FCZ). This collection exceeded the 1981 target by \$2 million. Though 1982 fee collections will not be concluded until mid-1983, we are on target for collecting the 1982 estimated \$34 million. By the end of the third quarter, approximately \$23 million will be collected in poundage fees from eight foreign nations. (As of December 14, 1982, 949 foreign fishing permits were issued to twelve foreign nations.)

o Joint ventures during 1982 were very successful. For example, U.S. vessels delivered about 130,00 metric tons (mt) of Alaskan pollock to processing vessels from four countries, which is more than double the amount delivered in 1981. Four countries received about one-third of all Atlantic squid caught during 1982, in the second year of ventures on the east coast. Deliveries of all other species increased. Joint ventures now handle 230,000 mt (roughly 7 percent of total U.S. harvest), composed of Alaskan pollock, Pacific cod, yellowfin sole, Atka mackerel, Pacific whiting, shortbelly rockfish, and Atlantic squid. Deliveries of these species to shoreside processors have either remained the same as before joint ventures began or have increased. Participating countries included the U.S.S.R., Japan, Italy, Portugal, West Germany, Korea, and Bulgaria.

o Seizure of domestic vessels is rare but can be an effective violation deterrent. On March 1, the F/V LADY JAY, a New Bedford groundfish vessel was seized for fishing in a closed area. The master of the vessel paid the U.S. District Court in Boston \$33,176 for the return of his vessel. This seizure occurred on the first day of the closed area season and the deterrent effect created by it was largely responsible for a significant reduction in closed area violations in 1982.

o In June, NMFS special agents and officers of the Washington Department of Fisheries made a surprise raid and served a Federal search warrant at Cooks Landing, Washington, culminating a 14-month covert investigation of illegal salmon fishing in the Columbia River. The undercover operation developed and documented substantial information which may lead to court action over the taking and commercial sale of at least 53 tons of salmon, steelhead, and sturgeon from the Columbia Columbia River system.

o Early in October, special agents intercepted two Canadian trucks, each containing 38,000 pounds of undersized Atlantic ocean scallops. One truck was intercepted in Dallas, Texas, and the other in Atlanta. Special agents sampled both loads and seized all 76,000 pounds. After placing the scallops in cold storage, sale of the scallops was negotiated with executives of the Red Lobster Inns of America, the original buyer. Ultimately, a check for \$350,000 was issued to the Secretary of the Treasury for this sale.

o As of November 23, 1982, 25 U.S. shrimp vessel masters had been indicted by a Federal Grand Jury in Brownsville, Texas, on a total of 88 charges of taking shrimp in violation of Mexican law, importing the illegal catches into the U.S., and the subsequent possession and sale of the catches in violation of the U.S. Lacey Act. Nine of the individuals have entered guilty pleas and the remaining cases are pending. The Lacey Act charges have resulted from intensified Coast Guard aircraft patrols to suppress drug trafficking along the U.S./Mexican border. Coast Guard

patrols document U.S. vessels fishing in the Mexican extended economic zone and the cases are then referred to NMFS for investigation and presentation to the U.S. Attorney's office. Both the Coast Guard and the NMFS, in cooperation with the Texas Shrimp Association, have been advising fishermen of the possible consequences of Lacey Act violations.

- o Cooperative activities with the California Department of Fish and Game were expanded during 1982 with the signing of a Cooperative Enforcement Agreement deputizing Marine Wardens with Lacey Act and Endangered Species Act authority and specifically providing authority for SW Region special agents to enforce all California fish and game laws and regulations. Two significant State cases were initiated using this expanded authority--one involved a major abalone poaching ring, the other illegal caviar operations.

- o In the SW Region, Notices of Violation were issued to four noncertified purse seine vessels that were carrying more than two speedboats. The controversial regulation that limits the number of speedboats is one of the few methods available for obtaining compliance with the Marine Mammal Protection Act by noncertified tuna purse seiners at sea.

- o The Corps of Engineers recent decision not to deposit dredge spoil from the deepening of the Corpus Christi Inner Harbor into Nueces Bay, as had been proposed, is one example of NMFS recommendations and analysis prevailing in decisions involving living marine resources. The NMFS Southeast Region recommended upland disposal to avoid the loss of 1500 acres of prime white shrimp nursery habitat. About 80 percent of the white shrimp and 50 percent of the brown shrimp reared in the Nueces-Corpus Christi estuarine complex are directly dependent on Nueces Bay. Filling the bay would have resulted in the permanent loss of valuable fish and shellfish habitat; the spoil will now be deposited on upland sites.

- o In the case of the proposed Westway Highway in lower Manhattan, a Federal District Court ruled that issuance of a Section 404 permit by the Corps for construction would be substantially and procedurally improper. Staff from the Northeast Region developed NMFS's position and testified that the 140-acre fill site is an essential overwintering habitat for the bulk of the Hudson River population of young striped bass.

- o The Governor of the State of Washington decided not to issue State permits for the construction of the proposed Northern Tier Pipeline project which was to run from Port Angeles, WA, across Puget Sound and end in Minnesota. NMFS and other NOAA offices provided the basic effect assessment on which the Governor's decision was based and provided expert testimony on the risk of oil spills and their effects on living marine resources.

- o The International Whaling Commission's vote at its annual meeting in July to ban commercial whaling beginning in 1985 was considered an outstanding achievement for the United States. In preparation for this historic decision, the NMFS staff spent many months in behind-the-scene negotiations and planning.

o NMFS and Alaska native groups continued to work closely with one another in the second year of a 3-year cooperative agreement to manage the hunt of the endangered bowhead whale. The Agreement was amended and extended through 1987. Although for several years the IWC has sent quotas on the number of whales that may be taken by the natives, this year was the first time they established management procedures and principles to govern aboriginal subsistence whaling. All sides, both public and private, involved in the re-authorization of the ESA considered the outcome a success. NMFS staff participated on an interagency task force that developed the administration's position on re-authorization, reviewed the Act for regulatory relief, and developed activities on endangered whales in the Arctic region and nearshore Beaufort Sea. We offered what is considered to be reasonable and prudent alternatives that could be adopted to avoid impact on the endangered bowhead whale and yet allow exploration to continue.

o A permit program operated by NMFS regulates the public display and scientific research of marine mammals as well as the incidental take of these animals during commercial fishing operations. Through a computer-based system developed by NMFS, we monitored over 300 permits in 1982 and issued over 125 permits and other authorizations concerning activities related to protected marine species.

o During the period from January 1 through October 31, 1982, the nationwide observer program employed the equivalent of 140 people. Observers spent 18,616 days deployed to approximately 300 vessels from nine foreign countries. Observers collected data used by fishery managers to verify foreign catch and effort reports, assisted in stock assessment studies, and established compliance with the foreign fishing regulations. Observer data are the most comprehensive, reliable, and timely collected on foreign fleet activity within the United States Fishery Conservation Zone (FCZ). The program is, therefore, among the most important tools available to manage the foreign fishing fleet.

o In FY 1983, the Congress may authorize the National Marine Fisheries Service, through an appropriations act, the authority to collect \$7.95 million from the foreign fishing industry to operate the observer program. This level of funding will permit the NMFS to achieve an overall level of observer coverage of about 65 percent of the anticipated foreign fishing effort. This will approximately double for FY 1982 level of observer coverage from about 32 percent to 65 percent of the foreign fleet. Once dependably operating at this high level of coverage, the observer program could diminish significantly the need for Coast Guard aerial and surface patrols dedicated to foreign fishery enforcement, freeing these resources for other missions.

o An important aspect of the foreign observer program is all U.S. costs directly related to administration, management, and operation of the program are fully reimbursed by the foreign fishing fleets. This is a condition the fleets must agree to before they are allowed to fish. However, if the U.S. has no observers to deploy on the vessels, the foreign vessels can still fish, but without a requirement to reimburse observer costs. Besides providing data essential for effective management and regulation of foreign fishing fleets in U.S. waters, the observer

program provides information which will enable domestic fishermen to compete with and ultimately replace most, if not all, foreign fleets operating in U.S. waters. For example, most observers carefully record data on fishing tactics, strategy, and gear which domestic fishermen can and in some instances are already using to improve their fishing efficiencies. Additionally, the observers obtain numerous biological and environmental measurements which are used by fishery researchers to increase the scientific understanding of fishery ecology and population dynamics. While these measurements will not replace those taken from state and Federal fishery and oceanographic research vessels, they provide an important augmentation which would be much too expensive to obtain without the foreign observer program.

o In February 1982, 900 pounds of turtle meat were seized at a restaurant and fish wholesaler in Los Angeles. Both businesses were owned by the same person who was later successfully prosecuted by both the State of California and NMFS.

o One of the most complex and innovative investigations in the history of the NMFS was completed by the SE Region during 1982. The investigation into the fraudulent documentation of foreign owned vessels to fish in the U.S. FCZ was led by NMFS special agents with assistance from the Customs Service, Coast Guard, and the DOC Inspector General's Office. Over \$1.5 million in illegal profits were traced through 28 bank accounts. Seventy-five witnesses appeared before a Federal grand Jury in Tampa, Florida, producing 15,000 documents of evidence. As a result, four Taiwan nationals and two Taiwan corporations were charged in a 19 count indictment. To date, one individual and one corporation have entered guilty pleas to felony conspiracy to defraud the United States and criminal violations of MFCMA. The DOC is also negotiating with the Department of State to force Taiwan to return other defendants to the U.S. to answer to the indictment.

Enforcement Highlights - Penalties

Statistics as of December 22, 1982:

Violations detected:	2,016 ^{1/}
Vessel seizures:	10 ^{2/}
Penalties assessed:	\$2,881,069 ^{3/}
Permit sanctions:	7

^{1/}See following page for breakdown of violations detected.

^{2/}For underlogging catch, fishing in closed areas, and fishing without a permit; nations: Japan 3, Spain 1, Canada 1, Italy 1, Bulgaria 1, Taiwan 2, U.S. 1.

^{3/}Penalties are generally collected through civil process by NOAA General Counsel; figure includes value of forfeited property.

SUMMARY OF INVESTIGATIONS OPENED
Jan-01-1982 THRU DEC-22-1982

REGION	MAGNUSON ACT	MARINE MAMMAL ACT	ENDANGERED SPECIES ACT	LACEY ACT	SALMON REGS	OTHER	TOTALS
NORTHEAST	355	26	18	13	2	61	475
SOUTHEAST	75	13	99	162	0	77	426
SOUTHWEST	48	32	35	9	21	11	156
NORTHWEST	152	62	14	115	390	17	750
ALASKA	141	9	4	0	13	42	209
ALL REGIONS	771	142	170	299	426	208	2016

LEGISLATIVE ACTIVITIES*Summaries of Public Laws of Interest to NMFS Enacted During the 97th Congress, 2nd Session (Calendar Year 1982)

- o Protocol for the North Pacific Halibut Fishery (S. 2244), P.L. 97-176 (May 17, 1982). The Act gives effect to the Protocol amending the Convention for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea, signed in March 1979. The primary objective of the Protocol is to conform the 1953 Halibut Convention between the United States and Canada with provisions of the Magnuson Fishery Conservation and Management Act (MFCMA). The law provides authority to the Secretary of Commerce and the North Pacific Fishery Management Council to establish a system of limited access to the halibut fishery resources, provided that such a system comports with all of the requirements of the MFCMA. The law also provides for U.S. Commissioners to the International Pacific Halibut Commission, of which one shall be an official of NOAA; and grants rural coastal villages in Alaska the opportunity to establish a commercial halibut fishery.

- o Foreign Processors Operating in Internal Waters (S. 2535), P.L. 97-191 (June 1, 1982). The Act prohibits foreign vessels from processing fish within a state's internal waters unless the Governor determines that U.S. processors do not have the capacity or intent to process U.S. harvested fish from the fishery concerned.

- o Fishermen's Contingency Fund Amendments (H.R. 3816), P.L. 97-212 (June 30, 1982). The Act improves the operation of the fishermen's Contingency Fund which compensates fishermen for damages resulting from oil and gas activities on the Outer Continental Shelf. The Act provides that decisions on claims from the Fishermen's Contingency Fund be made by the Secretary of Commerce; provides for payment of up to 25% of gross income lost as a result of damage or loss from which a claim arises; extends the filing period for claims from 5 days after the discovery of damage to 15 days after the fishing vessel returns to port; and prevents a lapse in several Governing International Fishery Agreements. Specifically the amendment extends the Polish and Russian GIFAs for one year, approves a new Taiwanese GIFA for five years, and provides that if the Administration transmits the new Korean and Spanish GIFAs before July 31, 1982, the existing GIFAs with these two countries would continue in effect until Congress has time to consider the new agreements. (For additional action on GIFAs, refer to P.L. 97-389.)

- o Export Trading Company Act (S. 734), P.L. 97-290 (October 8, 1982). The Act authorizes banking organizations to invest specified amounts in export trading companies upon notifying the appropriate Federal banking

* For further information contact J. Marilee Bright at 202/634-1795.

agency and amends the Webb-Pomerene Act to exempt the trade activities and the methods of operation of certified export trading companies from the antitrust laws.

o Endangered Species Act Amendments (H.R. 6133), P.L. 97-304 (October 13, 1982). The Act (1) sets a 1-year deadline for the Interior Department to decide whether to list or delist a species after receiving a petition containing substantial evidence on such questions; (2) sets a similar 1-year deadline for decisions on petitions to revise a designation of critical habitat; (3) requires listing decisions to be made solely on the biological question of whether the species is endangered or threatened; (4) streamlines the exemption mechanism to reduce the maximum processing time from 360 days to 190 days; (5) eliminates the threat of criminal penalty or project shutdown for industries that incidentally take endangered species in the course of their activities; (6) increases the maximum share of costs for which states may receive grants under the Act from 66.7 percent to 75 percent for single state projects and from 75 percent to 90 percent for multi-state projects; and (7) authorizes appropriations of \$3.5 million for the Department of Commerce for each of fiscal years 1983, 1984, and 1985.

o Fisheries Loan Fund (H.R. 5662), P.L. 97-347 (October 18, 1982). The Act authorizes appropriations for the Fisheries Loan Fund through October 1, 1983.

o Coastal Barrier Resources Act (S. 1018), P.L. 97-348 (October 18, 1982). The Act prohibits the Federal Government from funding commercial and residential growth on undeveloped barrier beaches and islands. The Act contains exceptions that allow for Federal activities in support of certain energy development activities, as well as maintenance of existing channel improvements and related structures and projects for the conservation of fish and wildlife resources and habitats.

o Fisheries Amendments of 1982 (H.R. 3942) P.L. 97-389 (December 29, 1982). Among other things, the Act extends the authorization of appropriations for FY 84 and FY 85 for the Commercial Fisheries Research and Development Act at \$5 million for each of the Fiscal years for the section 4(a) grant program and \$2.5 million for each of the fiscal years for the section 4(b) disaster program. It also provides for the extension of the Japanese permit to incidentally take Dall's porpoise during the Japanese North Pacific high seas salmon fishery. As a condition of the permit, the amendment requires the phase-in of new gear and fishing techniques designed to substantially reduce such incidental harvest. Also, U.S. observers would be permitted to monitor Japanese compliance with the permit conditions.

The Act also provides that all appointments to the Marine Mammal Commission be subject to Senate confirmation; provides for the U.S. implementation of the U.S. Convention for the Conservation of Salmon in the North Atlantic Ocean; and approves the new U.S.-Japan and U.S.-Spain GIFAs. It also provides that supplies aboard U.S.-documented foreign-built fish processing vessels which are used for the processing or

assembling of fishery products aboard such vessels, be considered ship's equipment and not merchandise. This provision grants to foreign-built fish processing vessels a narrow exemption from the coastwise trade prohibitions of the Merchant Marine Act of 1920.

o Sikes Act (H.R. 1952), P.L. 97-396 (December 31, 1982). The Act authorizes appropriations to carry out conservation programs on military reservations and public lands during FY 83 and 84. The Act also authorizes Department of Commerce enforcement agents to participate in undercover wildlife enforcement activities; and designates two areas in Texas as "developed," thereby excluding them from the coverage of the Coastal Barrier Resources Act.

o Surface Transportation Act (H.R. 6211), P.L. 97-424 (January 6, 1983). This is the new "gas tax" legislation. The Act expands the existing exemption for farmers and commercial fishermen to cover the entire 9 cents a gallon tax on gas and diesel fuel.

The Act also amends the Saltonstall-Kennedy Act to require that all money in the S-K Fund be used in support of the U.S. fishing industry (up to 40% of the Fund could be used to support NMFS fisheries development programs and at least 60% of the Fund would have to go directly for industry grants). It also amends the Merchant Marine Act to provide that no ceiling be imposed by authorizing legislation.

The Act also amends the Marine Protection, Research, and Sanctuaries Act to preclude issuance of permits, for a 2-year period following enactment, which would authorize the dumping of any low-level radioactive wastes unless certain determinations are made by the Administrator of the Environmental Protection Agency.

o Magnuson Fishery Conservation and Management Act Amendments (H.R. 5002) P.L. 97-453 (January 12, 1983). The Act changes the provisions concerning foreign allocations in a number of respects to enhance the negotiating strength of the Secretary of State in furtherance of the Department of Commerce's "fish and chips" policy. It requires 100% observer coverage on board foreign fishing vessels at the vessel owner or operator's expense. It grants an exemption from the requirements of having a GIFA, an allocation, and a foreign fishing permit to allow foreign non-commercial vessels to engage in recreational fishing in U.S. territorial waters or in the fishery conservation zone. It also streamlines the procedures for issuing foreign fishing permits by deleting certain advance clearance procedures.

The Act clarifies congressional intent that Secretarial guidelines interpreting the national standards of the Act are advisory in nature; expands the membership of the Western Pacific Fishery Management Council to include the Commonwealth of the Northern Mariana Islands; and changes the procedures for appointing and removing Council members and for conducting Council meetings.

It incorporates in statutory language the Department's administrative interpretation that fishery management plans (FMPs) need not be prepared for fisheries that are not in need of conservation and management. It

also adds additional authority that FMPs may address the effects that management measures will have on natural runs of anadromous fish; requires that Councils prepare draft regulations to implement each FMP or amendment; provides a limited addition to the Federal authority to collect pertinent information concerning the need for FMPs; and shortens the procedures for review of FMPs by consolidating the Secretarial review period with the public comment period on implementing regulations and imposes new time limits within which Secretarial review must be completed.

The Act revises substantially the rulemaking provisions to begin the process well prior to a Secretarial decision on approvability; expands and lengthens the Secretary's emergency regulatory authority to respond to unanticipated developments; and expands the fishery management authority of coastal states to include enclaves of the FCZ that are wholly surrounded by lines delimiting the State-controlled territorial sea. It grants subpoena authority to the Secretary for use in enforcement proceedings; eliminates incarceration as a punishment for fishery violations; permits seizures of the dollar value of illegally obtained fish in lieu of the fish themselves; and permits fisheries enforcement personnel to arrest without warrant persons suspected of violating other U.S. laws.

The Act also authorizes appropriations at a level of \$59 million for FY 83, \$64 million for FY 84, and \$69 million for FY 85 for the MFCMA. It authorizes appropriations at a level of \$7.5 million for each of FYs 83, 84, and 85 for the State grants programs under the Anadromous Fish Conservation Act and mandates a 90 percent Federal share of each grant to States that have implemented an interstate fisheries management plan for anadromous fishery resources; and authorizes funds for the Section 7 emergency striped bass study at a level of \$1 million for FYs 83 and 84. It also authorizes appropriations for the Central, Western, and South Pacific Fisheries Development Act at a level of \$5 million for FYs 83, 84, and 85.

o Tariff Reductions, Suspensions, and Extension of Suspensions (H.R. 4566), P.L. 97-446 (January 12, 1983). Among other things, the Act amends the Tariff Schedule of the United States by excluding from item 112.30 imports of tuna, not packed in oil and originating in U.S. insular possessions, in determining the extent to which tuna quotas are filled. This will have the effect of approximately doubling the quantity of imports under TSUS 112.30 from other sources. At the time of final passage, an agreement was reached to have the Senate Finance Committee request the International Trade Commission to conduct an investigation of the entire tuna industry, both domestic and international, to assess the impact of the new tariff on the industry. (NOTE: The fish nets and netting provisions were deleted during conference action.)