



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

Enforcement Standing Committee Meeting

**15 June 1999
100th Council Meeting
Ala Moana Hotel
Honolulu, Hawaii**

1. Introduction

The Enforcement Standing Committee Chair, Ray Tulafono, opened the meeting at 7:30 a.m. and asked for introductions.

2. Draft Cooperative Agreement for Guam and NMI

Paul Ortiz, NOAA General Counsel, reported that NMFS and USCG representatives have signed the Guam cooperative enforcement agreement and it has been forwarded to Guam for signature. Three signatures will be required from Guam: the Attorney General, Governor and the Head of Guam Customs and Quarantine Department. After this agreement is finalized, NMFS and the USCG will work on the cooperative enforcement agreements with the Guam Division of Aquatics and Wildlife Resources and NMI Division of Fisheries and Wildlife. Both agreements will be pursued at the same time.

3. Illegal immigration related to foreign fishing fleet

Jack Rutz, USCG, reported that since May there has been a significant decline in the number of illegal immigrants trying to enter Guam on fishing vessels. The increased USCG presence around Guam seems to have reduced the number of incursions. The USCG is planning to continue their presence around Guam for the immediate future. Jack Rutz noted that the resources committed to Guam means that less resources are available for the other island areas which are being ignored.

Tom Webster asked how much it costs to process and return the immigrants and if it would be cheaper to allow them enter the Guam work force. Jack Rutz responded that the costs were high. They sent back 100 people to date and have 185 waiting to be sent back. 97 were sent to the mainland. Judith

Guthertz and Dot Harris explained that the unemployment rate in Guam is about 10%, twice that of Hawaii, and that if all the immigrants were allowed to stay it would have other serious negative impacts to the economy and community.

Jack Rutz added that the increased presence in the Guam area has also helped fisheries enforcement in the area in the form of increased foreign fleet boardings.

Council members thanked the USCG for their efforts regarding this issue.

Ray Tulafono, on behalf of the Enforcement Standing Committee, thanked Jack Rutz for his three years of work in the western Pacific region. Jack will be taking a new assignment with in two weeks in Astoria, Oregon.

4. US Customs Policies for boarding and inspection of fishing fleet

Mark Mitsuyasu reported that the Council sent a letter to the US Customs Office in Honolulu asking them to provide information on standard boarding policies and probable cause for inspection. The Customs Officer in Honolulu responded that they would forward the request to their Headquarters Office in D.C.. No documents have been received to date, but they have agreed to attend the full Council meeting to address the issue and answer questions.

5. Enforcement concerns stemming from bird mitigation regulations

Paul Dalzell reported on the Council's efforts to address seabird interactions with the Hawaii longline fleet. The Council's contractor, hired to test mitigation measures to reduce seabird mortality on longline gear, is nearly complete. Paul Dalzell presented a variety of potential mitigation options to the Committee and asked for their comments on the enforceability of each measure. Significant discussion followed Paul's presentation. Committee members concluded that they would not provide comments on any proposed specific measures at this time. However, to increase compliance the group agreed that requiring workshops on any new regulations as a condition of permit issuance or renewal should be considered. Charles Karnella noted that the longline permits are renewed every 5 years.

6. Other issues

Judith Guthertz asked if the federal agencies can provide brief reports on their other enforcement related activities that pertain to Council issues, such as marine debris and other projects they are doing with the US Fish and Wildlife Service. Mike Gonzales noted that NMFS Enforcement does not work on marine debris issues. The USCG responded that the issue would relate to their work with MARPOL. The USCG Marine Safety Office would be the one to report on the issue. Jack Rutz suggested that the Council direct all marine debris related questions to the US Coral Reef Task Force who are currently addressing these issues.

7. Public Comment

John Taitano asked how fishermen in Guam can get access to the confiscated boats that are taken because of violations and how fishermen can get general assistance from the federal government. Paul Ortiz responded that they don't usually end up with the vessel after the case is settled. Therefore, vessels rarely become available for that option. Mike Gonzales suggest that an inquiry be made to the US Customs Service which often have confiscated vessels from drug violations. Mike also suggested asking NMFS PIAO if any options are available.

Recommendations:

- 1. Request the USCG to expand their quarterly report to the Council to include other Coast Guard activities that relate to Council issues, such as marine debris; request the Coral Reef Task Force to provide information on their work regarding marine debris in the western Pacific region.**
2. Request the US Customs to consider making confiscated vessels available to island governments to support island fisheries.