

法規名稱：(終)EXCHANGE OF LETTERS BETWEEN THE COORDINATION COUNCIL FOR NORTH AMERICAN AFFAIRS AND THE AMERICAN INSTITUTE IN TAIWAN CONCERNING HIGH SEAS DRIFTNET FISHERIES IN THE NORTH PACIFIC OCEAN (AD.1991.04.16)

終止日期：民國 81 年 06 月 30 日

April 1, 1991

Mr. Ding Mou-shih

Representative

Coordination Council for

North American Affairs

4201 Wisconsin Avenue, N.W.

Washington, DC 20016-2137

Dear Mr. Ding:

I have the honor to refer to the consultations between the representatives of the American Institute in Taiwan (AIT) and Coordination Council for North American Affairs (CCNAA) held in Hawaii during the week of March 18, 1991 regarding high seas driftnet fisheries in the North Pacific ocean. I would also refer to the proposed agreement reached as a result of said consultations, including the Regulatory Program (Annex I), the Monitoring Program (Annex II), and the Record of Discussions.

Recalling the concern expressed in the United Nations General Assembly Resolution 44/225, regarding large-scale pelagic driftnet fishing and its impact on the living marine resources of the world's oceans and seas, my authorities place great reliance on the commitment of your authorities to implement the attached proposed agreement. Specifically, the authorities represented by CCNAA are committed (1) to implement fully the regulatory and monitoring programs contained in Annexes I and II; (2) to accept eleven AIT scientific observers on board eleven driftnet vessels from the territory represented by CCNAA, in accordance with the provisions and arrangements specified in Annex II; and (3) to accept the arrangement reflected in the Record of Discussions.

As you know, scientists representing AIR and CCNAA at meetings held in Seattle, Washington during the week of March 25, 1991,

jointly developed an agreed plan for deploying both AIT and CCNAA scientific observers aboard commercial driftnet vessels from your territory. I understand that AIT and CCNAA scientific observers will be deployed on vessels in proportion to the fishing effort of the various vessel size categories and fishery types. I further understand that the list of commercial driftnet vessels that will host AIT scientific observers will be provided to the National Marine Fisheries Service by April 15, 1991 (pursuant to Annex II, Section I(B)(1)) and will include vessels distributed among size categories and fishery types in accordance with the mutually developed scientific plan.

If the enclosed agreement is acceptable to your authorities, this letter and its enclosures, together with your reply, shall constitute an agreement between AIT and CCNAA. This agreement shall enter into force upon your reply and continue, as specified, until June 30, 1992.

Finally, the authorities represented by AIT reaffirm the position that they have jurisdiction over anadromous species that spawn in the rivers and coastal waters of the territory represented by AIT, and reserve their rights and privileges under international law and practice. This agreement should not be understood to condone the practice of high seas driftnet fishing generally or as practiced by the vessels from the territory represented by CCNAA.

Sincerely,

(Signed)

Natale H. Bellocchi

Chairman of the Board
and Managing Director

Enclosures:

As stated.

April 16, 1991

Ambassador Natale H. Bellocchi
Chairman of the Board and
Managing Director

American Institute in Taiwan

1700 North Moore st., #1700

Arlington, VA 22209

Dear Ambassador Bellocchi:

I have the honor to refer to your letter of April 1, 1991, which provides:

" Dear Mr. Ding:

I have the honor to refer to the consultations between the representatives of the American Institute in Taiwan (AIT) and Coordination Council for North American Affairs (CCNAA) held in Hawaii during the week of March 18, 1991 regarding high seas driftnet fisheries in the North Pacific ocean. I would also refer to the proposed agreement reached as a result of said consultations, including the Regulatory Program (Annex I), the Monitoring Program (Annex II), and the Record of Discussions.

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As you know, scientists representing AIT and CCNAA at meetings held in Seattle, Washington during the week of March 25, 1991, jointly developed an agreed plan for deploying both AIT and CCNAA scientific observers aboard commercial driftnet vessels from your territory. I understand that AIT and CCNAA scientific observers will be deployed on vessels in proportion to the fishing effort of the various vessel size categories and fishery types. I further understand that the list of commercial driftnet ves-

Is that will host AIT scientific observers will be provided to the National Marine Fisheries Service by April 15, 1991 (pursuant to Annex II, Section I(B)(1) and will include vessels distributed among size categories and fishery types in accordance with the mutually developed scientific plan.

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Finally, the authorities represented by AIT reaffirm the position that they have jurisdiction over anadromous species that spawn in the rivers and coastal waters of the territory represented by AIT, and reserve their rights and privileges under international law and practice. This agreement should not be understood to condone the practice of high seas driftnet fishing generally or as practiced by the vessels from the territory represented by CCNAA.

Sincerely,
Natale H. Bellocchi
Chairman of the Board and
Managing Director"

The contents of the documents enclosed in your letter are acceptable to the authorities represented by CCNAA, subject to the understanding that these documents constitute legally enforceable documents to be enforced by appropriate authorities, and that the authorities represented by CCNAA take the position that high seas fisheries shall be conducted and managed under the responsibility and initiative of the flag state. The primary objectives of the authorities represented by CCNAA and AIT in reaching the agreement are to minimize the incidental taking of U.S. origin anadromous species by the driftnet vessels and to help conserve and utilize marine resources.

I would like to further emphasize that the temporary arrangements, as stated in the Record of Discussion, regarding "Visit and

Verification" are based on the universally recognized principle of reciprocity, and that the participators shall respect the exclusive jurisdiction of the authorities represented by CCNAA and AIT over their own vessels.

Finally, the authorities represented by CCNAA reaffirm the international principle of the freedom of fishing on the high seas and their rights and privileges under international law and practice.

Sincerely.

(Signed)

Mou-shih Ding

Representative

Coordination Council for

North American Affairs

RECORD OF DISCUSSIONS

Representatives of the parties represented by CCNAA and AIT met March 1821, 1991 to discuss matters pertaining to high seas driftnet fishing activities in the North Pacific Ocean. Both sides recognized that driftnet vessel operations in the North Pacific Ocean may result in the take of U.S. -origin anadromous species. Both sides agreed to the following temporary arrangements:

- a) Enforcement personnel of one party, upon encountering a driftnet vessel of the other party that they intend to visit to verify compliance with driftnet fishing regulations, shall transmit to the appropriate enforcement personnel of the other party a request to conduct a cooperative visit.
- b) If the enforcement personnel of the other party find that they are unable to join in the cooperative visit and verification, they will cooperate and assist the enforcement personnel of the requesting party to conduct the visit and verification. In those cases where the on-scene enforcement personnel of the requesting party find that enforcement personnel of the other party are not immediately present to join in the visit and verification, the enforcement personnel of the requesting party will initiate the visit and verification.

- c) The visiting enforcement personnel may verify compliance with driftnet fishing regulations, remove any anadromous species on board, document incidental catches of marine mammals, seabirds, and anadromous species, and take representative of those resources.
- d) Enforcement personnel of the party conducting the visit and verification shall take all reasonable measures to ensure a minimum interference to legitimate fishing operations of the driftnet vessel. The enforcement personnel will conduct their operations in accordance with applicable rules of international law and practice.
- e) Upon arrival of enforcement personnel of the other party, the enforcement personnel of the two parties shall jointly continue the visit and verification.
- f) If the enforcement personnel of the other party do not arrive before the enforcement personnel of the requesting party complete the visit and verification, the authorities of the requesting party will notify promptly the authorities of the other party of the results of the visit and verification and will consult with the authorities of the other party regarding the disposition of the violations detected.
- g) When no violation is detected as a result of the verification activities, the visiting enforcement personnel shall immediately withdraw from the vessel.
- h) Both authorities will ensure that the visit and verification procedure for driftnet vessels will also apply to all transport vessels.
- i) The two parties agree that the present arrangements will be effective through June 1992.

For the Delegation of CCNAA

For the Delegation of AIT

ANNEX I

REGULATORY PROGRAM OF THE
AUTHORITIES REPRESENTED BY THE
COORDINATION COUNCIL FOR

NORTH AMERICAN AFFAIRS (CCNAA)
FOR THE HIGH SEAS DRIFTNET
FISHING IN THE NORTH PACIFIC BY
VESSELS OF THE TERRITORY
REPRESENTED BY CCNAA FOR THE
1991 FISHING SEASON AND THE PE-
RIOD THROUGH JUNE 1992

A. Regulatory Measures for Driftnet Vessels in the North Pacific
I. -FISHING GROUNDS.

All driftnet vessels of the territory represented by CCNAA are to adhere to the following fishing grounds while operating in the North Pacific Ocean beyond national 200-mile zones. Each driftnet vessel is required to confine fishing operations and all other vessel activities and movements to the area west of 145 Degrees W longitude and south of the following monthly northernmost latitudinal lines of the fishery:

(a) For the area west of 170 degrees E longitude -

January through Altitude 36 degrees N
April

May Altitude 38 degrees N

June Altitude 40 degrees N

July Altitude 42 degrees N

August Altitude 44 degrees N

September Altitude 46 degrees N

October Altitude 44 degrees N

November Altitude 42 degrees N

December Altitude 40 degrees N

(b) For the area between 170 degrees E to 145 degrees N longitude--

January through Latitude 20 degrees N
April

May Altitude 34 degrees N
 for large mesh only

June Altitude 40 degrees N

July Altitude 42 degrees N

August	Altitude 44 degrees N
September	Altitude 46 degrees N
October	Altitude 44 degrees N
November	Altitude 42 degrees N
December	Altitude 40 degrees N

The northern and eastern boundaries have been specifically established to minimize incidental takes of anadromous species fish of United States origin.

II. - TRANSMITTERS.

- (a) After January 1, 1991 no driftnet fishing or transport vessel of the territory represented by CCNAA will be permitted to fish in the North Pacific without a real-time automatic satellite position fixing device, identified here as a transmitter, that will allow automatic, real-time monitoring of the location and identity of the vessel.
- (b) Each driftnet vessel is required to validate the time and location of catch and fishing effort, including the use of location records from an automatic navigation system, and will report such data to the appropriate authorities represented by CCNAA.

III. - OPERATING PROCEDURES.

- (a) No driftnet vessel may harvest anadromous species of fish.
- (b) Any anadromous species of fish incidentally taken in the driftnet fishery is to be immediately returned to the water and included in catch records .
- (c) Each driftnet vessel seeking to operate in the North Pacific Ocean will have a license issued by the appropriate authorities represented by CCNAA.
- (d) Vessels shall be prohibited from carrying both large-mesh gear (mesh size of 18 centimeters or greater) and small-mesh gear (less than 18 centimeters).
- (e) Each driftnet vessel will be assigned an international radio call sign (IRCS) which is to be displayed amidships on both the port and starboard sides of the deckhouse or hull, and on a weather deck, in a color in contrast to the background

and permanently affixed on the vessel in block roman alphabet letters and arabic numerals at least one meter in height.

- (f) Each driftnet vessel is to use methods to identify the driftnet gear it deploys by permanently marking at every 50 meter interval of net with the name of the vessel and its corresponding IRCS. Each vessel is also required to refrain from discarding used or damaged driftnets and related gear while at sea. Such fishing equipment is to be stowed on the vessel and returned 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 appropriate authorities represented by CCNAA.
- (g) All marine resources harvested by driftnet vessels of the territory represented by CCNAA must be landed or, in the case of tuna shipments to Thailand, thoroughly inspected, in ports of the territory represented by CCNAA, with the exception of tuna shipped to American Samoa and Puerto Rico. The following conditions apply:
 - (1) Before any tuna or squid transport ship leaves port to operate in the North Pacific, the vessel shall be equipped with a transmitter that will allow automatic, real-time monitoring of the location and identity of the vessel;
 - (2) Squid transport ships shall only sail between North Pacific fishing grounds and ports in the territory represented by CCNAA;
 - (3) All squid caught from the North Pacific fishing grounds may only be transshipped to transport vessels of the territory represented by CCNAA and must be landed at ports in the territory represented by CCNAA;
 - (4) When a tuna or squid transport ship leaves port to carry on transshipment at sea, prior permission must be obtained from the competent authority represented by CCNAA;
 - (5) Detailed records shall be kept by all squid transport ships in connection with the transshipment they carry on, including the name of the fishing vessel from which the

transshipped squid is received and the quantity of the squid. Upon return of the transport ship to the port in the territory represented by CCNAA, it shall immediately report to the competent authority represented by CCNAA for inspection;

- (6) A port inspection program will be maintained to monitor landings of all driftnet vessels at all pertinent ports in the territory represented by CCNAA.

B. Cooperative Program between Authorities Represented by CCNAA and the American Institute in Taiwan (AIT).

I .- TRANSMITTERS.

- (a) The authorities represented by CCNAA and AIT shall have access to transmitter data, to allow automatic, real-time monitoring of the location and identity of each vessel.
- (b) The authorities represented by CCNAA understand that the raw transmitter data shall be kept confidential within the authorities represented by AIT.
- (c) The authorities represented by CCNAA will be responsible for the cost of purchasing and operating the transmitters, and of data transmission. The authorities represented by AIT will ensure that the authorities represented by CCNAA receive the benefit of any cost savings which would be available to the authorities represented by AIT. The authorities represented by AIT will assist the authorities represented by CCNAA in procuring the transmitters.

II . - PROVISION OF INFORMATION.

- (a) CCNAA will provide AIT with a list of licensed driftnet vessels, including name, corresponding IRCS numbers, transmitter ID number, the CT number and size by tonnage.
- (b) CCNAA will provide AIT with a list of transport vessels.
- (c) CCNAA will promptly forward information to a designated AIT representative concerning prior permission for the voyage of a tuna or squid transport vessel to carry on transshipment at sea.

III . - DRIFTNET MATERIALS.

The authorities represented by CCNAA will promote the concept that all driftnets used in the driftnet fisheries will, to the maximum extent practicable, be constructed with biodegradable materials which can break into segments that do not represent a threat to living marine resources. AIT will provide any information available to AIT regarding technological advances in biodegradable materials for driftnets.

IV. -ENFORCEMENT.

- (a) Enforcement boardings of driftnet fishing vessels shall be conducted by personnel of the authorities represented by CCNAA, both dockside and at sea within and beyond the fishing area authorized by the authorities represented by CCNAA.
- (b) The authorities represented by AIT and CCNAA may exchange enforcement observers to facilitate driftnet fishery enforcement activities. These exchanges may include:
 - (1) participation by enforcement observers of the authorities represented by AIT on enforcement cruises conducted by the authorities represented by CCNAA;
 - (2) participation by enforcement observers of the authorities represented by CCNAA on enforcement patrols conducted by the authorities represented by AIT.
- (c) The authorities represented by CCNAA intend to continue to utilize, to the maximum extent, the information supplied by AIT indicating alleged violations by driftnet fishing and transport vessels of the territory represented by CCNAA in the investigation and identification of the violator. In order to facilitate the investigation of the authorities represented by CCNAA, photographs supplied by AIT are expected to be as clear as possible, and/or with reliable information of sighting positions.

V. - DEPLOYMENT OF PATROL VESSELS.

- (a) For the 1991 fishing season, the number of dedicated patrol vessels of the territory represented by CCNAA will be maintained at three so that the total vessel-days will be 310 to ensure a continuous enforcement presence throughout the sea-

son in the vicinity of the fishing grounds. During January-June 1992, an enforcement presence at sea will be maintained comparable to that during the same period of 1991 unless violations indicated otherwise.

- (b) CCNAA shall provide AIT with planned enforcement activities before the fishing season begins and annual reports on the patrols conducted, boardings made, violations detected, and penalties assessed by enforcement personnel of the authorities represented by CCNAA at the conclusion of each fishing season.

VI. - MANAGEMENT OF THE DRIFTNET FISHING FLEET.

The authorities represented by CCNAA will take steps to limit the size of its driftnet fleet and will consult further with the authorities represented by AIT on this matter. The authorities represented by CCNAA will review their regulatory measures regarding the reflagging of driftnet vessels from the territory represented by CCNAA. The authorities represented by CCNAA will also review existing penalties applicable to reflagging to ensure they are adequate to prohibit such reflagging. AIT will provide any information regarding re-flagging of any driftnet vessels from the territory represented by CCNAA.

VII. -CONSULTATION.

CCNAA and AIT shall consult periodically to review the operation of the cooperative program, so as to assure that its objectives may be effectively maintained.

ANNEX II

SCIENTIFIC OBSERVER PROGRAM FOR THE 1991 NORTH PACIFIC HIGH SEAS DRIFTNET FISHERY OF THE TERRITORY REPRESENTED BY THE COORDINATION COUNCIL FOR NORTH AMERICAN AFFAIRS (CCNAA)

To facilitate achieving the objective of obtaining statistically reliable data on the catch of target and non-target species in 1991 by all driftnet fisheries of the territory represented by

CCNAA in the North Pacific Ocean, CCNAA has initiated and will follow the procedures set forth in the Annex for collecting, processing, and reporting driftnet fishery data by scientific observers. CCNAA has invited, and the American Institute in Taiwan (AIT) has accepted, participation by AIT in the 1991 Scientific Observer Program for the North Pacific high seas driftnet fishery in accordance with the provisions of this Annex.

The scientific observers shall not interfere with the fishing operations of the host vessels.

The responsible authorities for carrying out the scientific observer program shall be the National Marine Fisheries Service (hereinafter referred to as "NMFS") for the authorities represented by AIT and the Department of Fisheries, Council of Agriculture (hereinafter referred to as the "DOF") for the authorities represented by CCNAG. The NMFS on behalf of AIT and DOF on behalf of CCNAA shall exchange the names of their coordinators and the contact procedures for implementing this program by April 1, 1991.

I. Observer Deployment

A. Number of Observers to be Deployed

During 1991, 11 AIT scientific observers will be deployed aboard 11 commercial driftnet vessels of the territory represented by CCNAA throughout the driftnet fishing area and observe 45 set and retrieval operations on each vessel, and 9 CCNAA scientific observers will be deployed on 9 commercial driftnet vessels of the territory represented by CCNAA and observe 60 set and retrieval operations on each vessel. The deployment of such observers on vessels using large mesh and small mesh driftnet gear will generally be in proportion to the fishing effort of each type of fishery. Allocation of the observer effort will follow the plan in Table 1.

Table 1. Deployment of Scientific Observers during any one month and estimated number of observed operations during 1991.

month



Authorities	May	June	July	Aug	Sept	Oct	Total
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AIT	2	2	3	2	2	0	11
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CCNAA	2	2	2	2	1	0	9
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Estimated Number
of Observed

Operations*	95	212	245	245	190	48	1035
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* These numbers exclude transit time to and from the fishing grounds.

B. Host Vessels and Embarkation and Debarkation of Observers

1. Vessels: The DOF on behalf of CCNAA shall provide to the NMFS a final list by April 15, 1991, of the commercial driflnet vessels that will host AIT scientific observers in 1991. This list. shall include the vessel name, size, large or small mesh , type of radio communication gear aboard, observer room private or shared, name and contact information of vessel agent in port of embarkation, expected area of fishing, and expected dates and places of embarkation and debarkation of observers consistent with the allocation of observer effort specified in Table 1. The DOF on behalf of CCNAA shall notify the NMFS of the itineraries of each host vessel as soon as possible and at least 15 days prior to embarkation.

When the list of the commercial driftnet vessels that will host AIT scientific ob-servers is provided by April 15, 1991, to the NMFS, the DOF on behalf of CCNAA shall include (1) plans for transporting the AIT observers to the host driftnet vessels; (2) copies of official records of current inspections by authorities represented by CCNAA of each host driftnet and transport vessel demonstrating their safety and seaworthiness; and (3) schedules of the dates and locations for the authorities represented by CCNAA and AIT to conduct pre-cruise meetings aboard host driftnet vessels in the territory represented by CCNAA, as specified in section II(B), Observer Needs and Assistance

In principle, embarkation and debarkation of AIT scientific observers shall be from a U.S. or Asian port. Should such arrangements be impractical, the embarkation and/or debarkation of AIT observers to and from host driftnet vessels may be made via transport or other vessels. The DOF on behalf of CCNAA shall arrange for such transportation in consultation with the NMFS. If an observer must be transported to a host vessel at sea, all reasonable efforts will be made to ensure that the observer will be transferred to the host vessel within 2 weeks (14 days) of leaving port. Arrangements on host vessel/transport vessel at sea rendezvous for observer transfer will be the responsibility of the DOF.

2. Travel to Port: The NMFS on behalf of AIT shall provide travel arrangements (including costs) for the AIT scientific observers from the United States to ports of embarkation and from ports of debarkation to the United States and the cost of stay on land. The AIT scientific observers shall arrive at port at least two working days prior to the scheduled embarkation date of their corresponding host vessel, providing appropriate notice of vessel schedule was received by driftnet program coordinators. Except in the case of force majeure, should an AIT observer not be available to embark on a host vessel for which adequate notice of the vessel's itinerary has been provided as specified in paragraph I(B)(1), the DOF on behalf of CCNAA will not be responsible for finding a substitute vessel.

3. At-sea Transfer: For extended cruises, the DOF on behalf of CCNAA shall assist in arranging debarkation via ships of opportunity after the AIT observer has observed 45 operations on the host commercial fishing vessel. All reasonable efforts will be made to ensure that observers transferring to a transport vessel after completion of their 45 observed operations will be returned to port by the most direct means, within 14 days after debarking the host vessel.

4. Redeployment of Observers: In the event that a host vessel with an AIT observer must cease operation and return to port due

to such incidents as accident or mechanical trouble, the DOF on behalf of CCNAA shall find a substitute vessel and transfer the AIT observer so that the observer can complete the remaining observations. However, if such transfer opportunity is unavailable, the AIT observer shall return to port aboard the host fishing vessel.

If there are 10 or more operations remaining of the required observations when the observer is returned to port, the DOF on behalf of CCNAA in consultation with the NMFS on behalf of AIT shall continue to make arrangements for the observer to board a substitute driftnet vessel of the territory represented by the CCNAA to complete the required 45 driftnet observations.

II. Observer Arrangements at Sea

A. Safety and Rules

The scientific observers shall comply with the customs and rules of the host vessel (i.e., meal hours, use of water, bathing time, etc.) and instruction of the captain so as to secure safety for the crew members as well as the observers. The captain of a host vessel shall pay due attention to ensure the safety of the observers, especially during transfer of the observers between vessels at sea. The observers will not bring any toxic substances aboard the vessels.

Transfers at sea shall be conducted only during daylight hours, in wind speeds of less than 16 knots. An adequate transport craft shall be provided that is rated by the manufacturer to carry a minimum capacity of 400 Kg, and the observer is to be accompanied by a vessel crew-member. Observers are to wear U.S. Coast Guard approved personal flotation devices during transfer.

Scientific observers will have specific guidelines on safety during at-sea transfers and under which conditions to refuse transfer. If conditions are unsafe for transfer, vessels will arrange a rendezvous at the next available opportunity.

Host and transport vessels shall be seaworthy and outfitted with all relevant safety equipment to ensure the safety of the vessel personnel and observers at sea.

B. Observer Need and Assistance

The DOF on behalf of CCNAA shall arrange for the host vessel to provide food and lodging, observation and storage spaces, and assistance for the scientific observers. The observation space shall allow for safe direct viewing of driftnet retrieval operations. Storage and freezer spaces shall also be provided by the host vessel for a maximum of 5 five-gallon containers to keep specimens. The DOF on behalf of CCNAA shall assist AIT scientific observers in the procurement of standard biological supplies as may be required for specimen collection. Without interfering with fishing operations, specimens shall be retained and assistance shall be given by the captain in instructing and ordering the crew when requested by the observer temporarily to retain specimens of any catch and incidental catch, including any birds, mammals, fish, and turtles for sampling by the observer.

The AIT observer shall have access to the navigational equipment to determine vessel position during set and retrieval operations and at other times as required to accomplish assigned data collection.

Observers will be allowed to discuss their duties and requirements with any and all vessel personnel.

For each host vessel, a pre-cruise visit and meeting shall be arranged by the DOF on behalf of CCNAA aboard the host vessel in the territory represented by CCNAA, attended by AIT and CCNAA authorities, the host vessel owner and master, and, whenever possible, the observer and an interpreter. A translated checklist of observer duties will be presented and explained. The master will sign the document attesting to his understanding and agreement of the observer's duties on his vessel. AIT observers will not be embarked on host vessels that have not conducted a pre-cruise visit and meeting.

AIT observers will be afforded treatment equivalent to that of a ship's officer while on board.

The NMFS on behalf of AIT shall prepare for each host vessel a poster explaining scientific observer functions and a letter of

introduction for each observer in Chinese. The DOF on behalf of CCNAA shall educate the driftnet industry about the scientific observer program and distribute the literature prepared by the NMFS on behalf of AIT to the host vessels. The AIT observers shall also be allowed to post the letter of introduction and poster of observer functions on the host vessel in a place designated by the captain. The NMFS will provide a copy of the letter and poster to DOF for review.

C. At-sea Communications

At-sea communications by the AIT scientific observers shall be permitted with the consent of the host vessel captain on each alternate calendar day and at such other times as special circumstances may require. An officer aboard the host vessel will assist the observer in all radio communications. The AIT observers will be trained in the use of marine HF-SSB radio use. The host vessel must allow prompt communication in case of an emergency. Communications shall be through the host vessel's captain or designated representative to the NMFS observer program coordinator. Communications shall be conducted according to the following procedures:

Communications from AIT observers aboard CCNAA vessels authorized to communicate with U.S. stations shall be transmitted from the host vessel to the NMFS Alaska Fisheries Science Center (AFSC) Observer Program in Seattle, Washington, directly or via commercial shore stations. Communications from AIT observers aboard vessels from the territory represented by CCNAA that cannot transmit directly to U.S. stations shall be transmitted from the host vessel to AIT/Kaohsiung or to the DOF on behalf of CCNAA. The DOF on behalf of CCNAA shall promptly relay the observer messages by facsimile or other rapid form of transmission to the NMFS in Seattle.

HF-SSB equipment on board transport vessels shall have frequencies compatible with commercial shore-based stations.

AIT observers shall be allowed to communicate with other scientific observers on other driftnet fishing vessels. These communi-

cations shall be arranged with consent of the captain of the host vessel at a time that will not interfere with vessel fishing operations.

The NMFS on behalf of AIT shall reimburse the cost of transmitting AIT observer messages from DOF to NMFS not to exceed U.S. \$150.00 per observer cruise. The NMFS on behalf of AIT shall also reimburse the DOF for the cost, if any, of at-sea radio communications.

D. Food and Lodging

The NMFS on behalf of AIT shall reimburse the DOF on behalf of CCNAA for food and lodging on each of the observed host driftnet vessels at U.S. \$10 per observer per day. The observers will provide their own bedding and personal articles. The authorities represented by CCNAA will make every effort to ensure that AIT scientific observers will be given officer's lodgings. The quality of food for AIT observers will be the same as that of ship's officers. The NMFS on behalf of AIT shall reimburse the DOF on behalf of CCNAA for food and lodging on commercial transport vessels at U.S. \$25 per observer per day, up to a maximum of U.S. \$500 per observer per trip.

E . Insurance

The NMFS on behalf of AIT shall ensure that there is adequate insurance to cover potential liability for accidents and/or illness that may occur during the entire period the AIT scientific observer is at sea. The NMFS on behalf of AIT and DOF on behalf of CCNAA shall cooperate with respect to any claim under such insurance.

F. Reimbursement of Costs

Reimbursements from the NMFS on behalf of AIT to the DOF are identified in paragraph II(C) for communications and in paragraph II(D) for food and lodging.

Itemized invoices for reimbursement shall be sent for payment on a quarterly basis to NMF via AIT. All invoices for 1991 shall be submitted to the NMFS by February 1, 1992, and shall be paid by April 1, 1992.

G. Emergency

In the event of medical or other emergency circumstances relating to an AIT scientific observer, evacuation shall be accomplished according to established international practice. The DOF on behalf of CCNAA shall immediately inform the U.S. Coast Guard and/or the NMFS observer program coordinator on behalf of AIT of any such emergency.

III. Data Collection

A. Data to be Collected

For each operation, observers will collect the following data according to standardized procedures and format as jointly developed and assigned:

1. 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 unit of net (as measured by the observer), number of units per net section, number and arrangement of net sections deployed per net set, and units 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 (as determined from the radio officer's daily "array chart" and/or RA-DAR) .
2. Environmental conditions at the beginning and again at the ending of each net deployment, including: surface water temperatures., weather conditions (air temperature, wind speed and direction, visibility, cloud cover), and sea conditions (sea state, swell direction and height).
3. Date and location of net at time of the beginning and end of the set and retrieval to nearest minute of latitude and longitude as recorded by the scientific observer directly from the navigation equipment.
4. Catches, take, and drop-outs rates of all species, including target species and incidental species, recorded by each net section observed.

5. The vertical distribution of seabirds and seabird prey species (such as squid, saury, and pomfret) in the net webbing will be recorded by net section.
6. Observers will record biological information from any salmonid incidentally caught. For the 1991 observer program, this information will include the taking of scale samples, species and sex determination, weight and fork length measurement and the collection of snouts from all salmonids missing the adipose fin. After sampling the salmonids will be returned to the water in compliance with regulations of the authorities represented by CCNAA. All salmonid information will be exchanged by the authorities by February 1, 1992.
7. Observers will record biological information from any sea turtles caught prior to the animal being processed or returned to the water in compliance with regulations of the authorities represented by CCNAA. Carapace measurements will be taken whenever feasible. Whenever conditions permit, turtles taken alive will be freed from net and 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 authorities by April 1, 1992.
8. Observers will record biological information, including length measurements from flying squid, albacore and other tunas, billfishes, sharks, and other non-salmonid fishes. Whole specimens or tissue samples from discarded albacore or finfish may be collected and frozen by the observer. All biological data from squid and non-salmonid finfishes will be exchanged by the authorities by April 1, 1992.
9. Observers will record biological information and collect biological samples from marine mammals incidentally caught. The data will include species, sex, body length, lactation, pregnancy, fetal length and sex. The samples will include stomachs, tissues, skulls, teeth and reproductive organs. All biological data on marine mammals will be exchanged by the authorities by April 1, 1992.

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10. Observers will record biological information and collect biological samples from marine birds incidentally caught. The data will include species, color phase, age, brood patch, culmen length, wing length, molt, stomach contents, sex, weight, and collection of and information on, all recovered tags and bands. One whole specimen of each species may be retained and frozen as a voucher specimen by each observer. All marine bird data will be exchanged with the appropriate authorities by April 1, 1992.

11. Observers will 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. Access to information on the vessel's position and environmental conditions will be ensured.

12. The scientific observer, with the assistance of an appropriate crew member, shall place the specimens in the assigned storage or freezer space for storage on the host vessel. The host vessel shall maintain the specimens and return them to Kaohsiung at the end of the cruise. CCNAA shall notify AIT Kaohsiung when the specimens will be available at the dock. Observers will also be allowed to transfer specimens and return them to port on the transport vessels. Vessels used to transport observers will make all reasonable efforts to provide freezer space necessary to accommodate observer specimen materials.

13. On a daily basis, the vessel captain will provide to the observer information on the quantities of albacore, other species of tuna, swordfish, marlin, and sharks retained by the host 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 the operation of the host vessel, observers may collect data to determine the

size composition of albacore or other species 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. Guidelines for size composition sampling are described in the official field manual.

14. The DOF shall assist in making arrangements for the export permits required to ship samples to the United States. Observers will contact NMFS, Seattle, or AIT/Kaohsiung and relay their specimen list during transit back to Taiwan so that permits are ready when observers disembark.

B. Coordination, Standardization, and Observer Training

1. AIT and CCNAA will cooperate to achieve the collection and recording of data by their respective scientific observers in a standardized format. The NMFS on behalf of AIT shall assist the DOF on behalf of the CCNAA in developing the CCNAA observer program by providing training opportunities for CCNAA observer trainers at the NMFS Seattle office and by preparing and providing observer manuals to the DOF. Scientists from the CCNAA observer program will travel to the AFSC early in 1991 to observe driftnet observer training procedures and techniques. The NMFS on behalf of AIT shall make every effort to send an observer training team to the territory represented by the CCNAA in early 1991 for a week to assist the CCNAA observer program. All expenses of the travel described in this paragraph shall be borne by the sending side. The observer training and field data collection manuals will be provide to the DOF by the NMFS on behalf of AIT by April 15, 1991.

2. The duties of AIT and CCNAA scientific observers, as described in the observer manual, shall be standardized according to training procedures developed by the NMFS on behalf of AIT, in consultation with the DOF on behalf of CCNAA. The data collection procedures and data forms used by AIT and CCNAA scientific observers shall be standardized by the NMFS, in consultation with the DOF, and translated into Chinese by the DOF on behalf of CCNAA. The CCNAA shall thoroughly train their observers and provide

these translated data forms before the CCNAA observers are deployed.

3. Data identified in paragraph III(A) for collection by observers will be recorded daily onto the data forms described in paragraph 2 above. These completed forms will be duplicated and provided to appropriate authorities within 30 days after the CCNAA or AIT scientific observer returns to port.

IV. Data Exchange and Reporting

A. Data Exchange

Total fishing effort and the total catch in numbers of animals and in metric tons of the squid and large-mesh driftnet fleets will be compiled by 10 day period and month and 1 degree x 1 degree statistical areas, for the following species: flying squid, salmanids, albacore, skipjack tuna, other tuna, swordfish, marlin, yellowtail, pomfret, sharks, and other fishes. Such data are to be provided by the DOF on behalf of CCNAA to the NMFS by April 1, 1992. The number of vessels by type that actually fished are also to be provided by the DOF on behalf of CCNAA to NMFS by April 1, 1992. Three measures of effort are to be reported by statistical area for each fishery: the cumulative number of standardized tans (50m standard tan length), number of vessels fishing and vessel days of operations.

B. Reporting

1. Data reporting will be made by the representatives of CCNAA and AIT according to the following schedules:

- (a) For the driftnet observer programs, appropriate authorities will jointly compile by April 1, 1992 a preliminary data set of average catch rates collected by CCNAA and AIT scientific observers of the species of cephalopods, finfish, marine mammals, seabirds and sea turtles identified in section III(A) by 1 degree x 1 degree statistical areas by 10 day period and month. To facilitate the compilation of the preliminary data sets CCNAA and AIT scientists will meet early in 1992.
- (b) A final report reviewing data identified in section III(A) collected by CCNAA and AIT scientific observers during 1991

will be jointly produced by the appropriate representatives by May 1, 1992. The preliminary data sets and the final report will include data collected on the catch and by catch of all species. If there are disagreements between the cooperating authorities pertaining to the data sets or reports, the differences will be described therein.

2. All observed field data per set shall not be opened to the public. The final reports of the observations made by CCNAA and AIT scientific observers shall not be opened to the public until their completion as specified in Section IV(B)(1)(b).

V. Research Coordination

1. Recognizing that the authorities represented by AIT and CCNAA 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 implementation of the 1991 driftnet fisheries observer program. Scientists of CCNAA and AIT familiar with these programs will exchange views on potential collaboration and specify actions to be taken in the following areas by April 1, 1991:

- (a) Current and anticipated research on the biology and population dynamics of species taken in the North Pacific driftnet fisheries;
- (b) Current and anticipated research on the physical and biological oceanography of the high seas driftnet fishing area;
- (c) Current and anticipated research plans and development of fisheries technologies relevant to driftnet fisheries and avoidance of non-target species; and
- (d) Research vessel and chartered fishing vessel activities for the North Pacific high seas region in 1991.

2. A report on results of the 1991 research cruises in the driftnet fishing areas will be exchanged within 90 days after the completion of the cruises by the DOF on behalf of CCNAA and the NMFS on behalf of AIT.

3. Reports of results of other research related to the high seas driftnet programs will be exchanged by the DOF on behalf of CCN-

AA and the NMFS on behalf of AIT upon completion.