

# Groups protest Japanese permit

by **Dave Elias**

for the Tundra Times

The Kokechik and Qaluyaut fishermen's associations recently protested the application by the Japanese Salmon Federation to the National Marine Fisheries Service to renew a permit required under the Marine Mammal Protection Act.

The two associations represent

fishermen from eight coastal villages on the Bering Sea coast, including Scammon Bay, Chevak, Hooper Bay, Toksook Bay, Tununak, Nightmute, Newtok and Chefornak.

At hearings conducted in Seattle earlier this month by Administrative Law Judge Hugh J. Dolan, the two fishermen's associations joined a coalition of environmental groups to challenge issuing a permit to allow

Japanese fleets to fish within the U.S. Fishery Conservation Zone on the basis that too many marine mammals are killed by nearly 10-mile-long drift nets.

Don Mitchell, attorney for the two associations, said that perhaps as many as 500,000 king salmon of U.S. origin may be intercepted by the Japanese

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# Groups raise concern about salmon

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fishing fleets.

According to Mitchell, the permit is based on the idea that the current size of the mammal population must be more than 60 percent of the population before exploitation. Mathematical calculations to date have assumed that the base year was 1952.

Mitchell said that exploitation by Japanese fishing fleets was significant in the North Pacific and Bering Sea as early as the 1930s and that calculations using the 1952 data are flawed.

Under the permit that expired this year, as many as 5,500 Dall's porpoises are allowed to be killed each year. In their testimony at the hearing, Canadian scientists and other environmental group representatives claimed that more than 5,500 Dall's porpoises are killed and that the porpoise population is probably much

lower than estimates by Japanese scientists.

Other sea mammals adversely affected include fur seals and sea lions.

The fishermen's associations are not as concerned with the sea mammal problem as they are with the taking of salmon that might otherwise be caught in Alaskan coastal and river fisheries.

Although representatives for Japan deny underlogging of the salmon catch, Mitchell and his clients challenge the catch counts. Testimony at the hearings revealed that only four observers were watching four fleets operating 174 catcher boats and that the fish catches were reported by boat captains.

Mitchell said a 1978 treaty authorizes the Japanese fishing fleets to operate within the 200-mile limit.

Fishing within the 200-mile limit is

allowed only where it can be shown that there is a surplus over and above that which can be exploited by U.S. fishermen.

Mitchell and his clients assert that there is no surplus of salmon in the North Pacific and Bering Sea within or outside of the 200-mile limit. They also contend that foreign fishing fleets should not be permitted to take U.S. origin salmon.

The decision of the administrative law judge will go to the U.S. secretary of commerce with recommendations as to whether the permit should be granted or what conditions should be included.

"The decision by the secretary must be supported by the evidence submitted at the administrative hearing, and in my opinion the evidence is not legally sufficient," Mitchell said.

"Our position is that the evidence fails to support the conclusion that the fleet is entitled to a permit," he said. He added there is a reasonable possibility that the administrative judge may recommend the permit be denied.

The issues involved in this matter are complicated by interactions of several federal laws and international treaties regulating both fisheries and the protection of marine mammals.

This latest development brings together environmental groups and commercial fishing interests, a combination not often compatible.

It remains to be seen whether the Japanese Salmon Federation will receive its permit. It is possible that if the permit is denied, the issue will move the congressional arena, according to Mitchell.