

## **Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Mutual Fisheries Relations (Basic Instrument for the U.S.-Russia Intergovernmental Consultative Committee – ICC)**

### **Basic Instrument**

Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Mutual Fisheries Relations of May 31, 1988, as amended (TIAS 11442, the U.S.-Soviet Comprehensive Fisheries Agreement). Note: The obligations of the former Soviet Union under this agreement have devolved on the Russian Federation.

### **Implementing Legislation**

Public Law 100-629 (An untitled Act that implemented the Comprehensive Fisheries Agreement. Enacted November 7, 1988).

### **Member Nations**

The United States and the Russian Federation.

### **Meetings**

The ICC meets alternately in the United States and Russia on an annual basis, at the discretion of the heads of delegation.

### **U.S. Representation**

Under the Rules of Procedure established for the ICC, the United States and Russia designate a Representative and an Alternate Representative. The current U.S. Representative is Ambassador David Balton, Deputy Assistant Secretary of State for Oceans and Fisheries Affairs. The United States has not identified an Alternate Representative.

Pursuant to Section 5 of Public Law 100-629, a 12-member "North Pacific and Bering Sea Fisheries Advisory Body" was established to advise the U.S. Representative to the ICC. This body consists of the following individuals:

- (A) The Director of the Department of Fisheries and Wildlife of the State of Washington;
- (B) The Commissioner of the Department of Fish and Game of the State of Alaska;
- (C) Five members appointed by the Secretary of State from a list of ten nominees provided by the Governor of Alaska;
- (D) Five members appointed by the Secretary of State from a list of ten nominees provided by the Governor of Washington.

The current North Pacific and Bering Sea Advisory Body Representatives are:

Alaska Department of Fish and Game Representative: Vacant

#### Alaska (1 Vacancy)

David Benton, Juneau, Alaska

Alvin Burch, Executive Director, Alaska Druggers Association, Kodiak, Alaska

Simon Kinneen, Norton Sound Economic Development Corporation, Nome, Alaska

Richard B. Lauber, Fishing Industry Consultant, Juneau, Alaska

#### Washington Department of Fisheries and Wildlife Representative

William Tweit, Distant Waters and Columbia River Policy Lead, Washington Department of Fish and Wildlife, Olympia, Washington

### Washington State

David W. Benson, Trident Seafoods Corporation, Seattle, Washington

Mark Gleason, Executive Director, Alaska Bering Sea Crabbers, Seattle, Washington

John Henderschedt, Executive Director, Fisheries Leadership and Sustainability Forum, Seattle, Washington

Paul MacGregor, Partner, Law Firm of Mundt, MacGregor, Happel, Falconer, Zulauf, and Hall, Seattle, Washington

Marlyn Twitchell, Consultant, Seattle, Washington

### Description

The United States and the Russian Federation maintain the bilateral ICC fisheries forum pursuant to the U.S.-Soviet Comprehensive Fisheries Agreement, signed on May 31, 1988. The ICC is responsible for furthering the objectives of the Comprehensive Fisheries Agreement. These objectives include maintaining a mutually beneficial and equitable fisheries relationship through (1) cooperative scientific research and exchanges; (2) reciprocal allocation of surplus fish resources in the respective national 200-mile zones, consistent with each nation's laws and regulations; (3) cooperation in the establishment of fishery joint ventures; (4) general consultations on fisheries matters of mutual concern; and, (5) cooperation to address illegal or unregulated fishing activities on the high seas of the North Pacific Ocean and Bering Sea. The agreement expires on December 31, 2013.

In recent years, the ICC also has served as the forum for negotiating a bilateral fisheries management agreement for the Northern Bering Sea, which would enter into force upon entry into force of the 1990 U.S.-Russia maritime boundary agreement.

### Current Status

Pursuant to Article XIV of the 1988 Agreement on Mutual Fisheries Relations, representatives of Russia and the United States conducted the 22<sup>nd</sup> Session of the ICC on Fisheries in Monterrey, California, on September 5-9, 2011. The Russian delegation was led by Mr. Alexandr Fomin, Deputy Director, Federal Fisheries Agency of the Russian Federation, and the U.S. delegation, which consisted of representatives of the North Pacific and Bering Sea Fisheries Advisory Body, the U.S. State Department, NOAA, and the U.S. Coast Guard, was led by Ambassador David Balton, Deputy Assistant Secretary of State for Oceans and Fisheries.

**ICC Science Meeting:** Both sides reported on bilateral cooperation, including research, on the condition of Bering Sea pollock stocks, seabirds, Steller sea lions, right whales, and northern fur seals.

**Pollock:** The U.S. side reported that estimates of pollock biomass for 2011 in the eastern Bering Sea increased significantly from 2010 levels, due mainly to the recruitment of fish from the strong 2006 year class and partially from another strong 2008 year class. Spawning biomass of the eastern Bering Sea stock for 2008 was the lowest since 1980, due mainly to four consecutive years of weak year classes from 2002-2005. The biomass in the Aleutians, and that of the Bogoslof Island area remained about the same from 2010.

The Russian Delegation presented the results of Bering Sea pollock surveys carried out between September 2010 and August 2011. The surveys showed that the biomass of pollock stocks in the Russian part of the Bering Sea has been gradually increasing in the last few years, largely due to strong 2006, 2008, and 2009 year classes.

**Seabirds and Marine Mammals:** The U.S. side gave presentations on the status of seabirds and marine mammals in the area of mutual interest to the countries. The populations of several transboundary species of marine mammals in the North Pacific Ocean are declining, including the western population of Steller sea lions and northern fur seals. Groundfish fisheries in the Gulf of Alaska, Bering Sea, and Aleutian Islands operate in a large portion of the Steller sea lion distribution area and target many of the same species that form a large part of the sea lion's diet. Other factors besides fisheries could be affecting survival and birth rates of Steller sea lions and fur seals. Of particular concern at present is that sea lion population declines in the western Aleutian Islands are greater than elsewhere, and the extent to which sea lions may be interacting with fisheries in Russian waters is unknown. Sea lions that breed in summer in the Aleutian Islands may be in Russian waters of the northern and western Bering Sea during the winter or throughout the year as juveniles, but there is little information on the extent of these movements.

Sea of Okhotsk: The Russian delegation reported that the biomass of pollock in the Sea of Okhotsk remains at a stable, high level. The stocks are dominated by the 2004 and 2005 year classes.

Pacific Salmon: The United States and Russia exchanged information on the status of Pacific salmon. The Russian delegation presented information regarding the condition of Asian salmon populations. Catches of pink and chum salmon are at an all-time high. Russian studies have shown that the bycatch of Pacific salmon by the Russian pollock fishery is negligible. In the Navarin region, salmon migrations occur south of the pollock fishery.

Cooperative Research on Pollock in the Northern Bering Sea: Both Parties agreed that any joint research program would be purely scientific and conducted pursuant to an approved research plan. The Russian side would like to extend its pollock surveys, both acoustic and bottom trawling, into the U.S. EEZ, pending U.S. approval. The United States agreed that both sides should actively plan for 2012 research cruises of the R/V *OSCAR DYSON* and R/V *PROFESSOR KAGANOVSKIY*, assuming the scientific plans are routine research surveys and the Parties grant each other access to their respective EEZs. The U.S. side stated it is willing to work toward the development of a cooperative research program that could involve the Parties chartering commercial vessels to conduct research and the collection of scientific data within the parameters of an approved research plan. Both Parties agreed that any harvesting of fish or other fishing activity, such as number of vessels, location of activity, and amount of fish taken would be dictated by the requirements of the approved research plan and not by commercial needs. The Parties agreed that the development of such a cooperative research program would take time, effort, and identified resources.

#### **Joint-Enforcement Meeting:**

Draft IUU Agreement: The Parties met to continue negotiations on the text of a draft bilateral agreement to address and combat illegal, unreported and unregulated (IUU) fishing. The U.S. side provided Russia a draft text for a comprehensive agreement to the Russian delegation on April 28, 2011. The Russian side thanked the United States and stated that the draft agreement was profound in its approach to addressing all aspects of IUU fishing. Participants affirmed that bilateral cooperation on fisheries law enforcement and combating IUU Fishing should continue and be strengthened. The Russian delegation provided preliminary comments on the draft text. After considerable discussion, the U.S. side agreed to changes to the draft text to address Russia's concerns. The Parties agreed that the United States would transmit an updated version of the draft text to Russia for further review.

Exchange of information on fisheries enforcement cooperation: The U.S. Coast Guard presented an overview of cooperative maritime law enforcement efforts in 2011 with the Russian Federal Border Guard. These efforts focused on stemming IUU fishing activity in the vicinity of the maritime boundary line in the Bering Sea, as well as efforts focused on curtailing illegal large-scale high seas driftnet fishing in the North Pacific Ocean. There remains interest by both sides to expand fisheries law enforcement cooperation, especially in regard to investigations of potential illegal importation of Russian fisheries products into the United States.

#### **Other Issues:**

Fifteenth Annual Conference of the Parties to the Convention on Conservation and Management of Pollock Stocks in the Central Bering Sea: The United States reported on the results of the 2011 Annual Conference, which took place virtually. The Parties to the Convention did not conduct any trial fishing in the last four years and have no intention of conducting trial fishing in 2012. The Parties agreed on the need to continue the moratorium on fishing for another year as there was no agreement with respect to setting annual harvest levels (AHL). The Annex to the Convention was used to set AHL at zero, based on the estimated pollock biomass in the Convention Area. According to the Convention, the biomass was not large enough to trigger an AHL.

Arctic Fisheries: Although no fishing currently exists in the central Arctic Ocean, the region is warming faster on average than the rest of the planet. As such, the U.S. side expressed the view that it is reasonable to anticipate that the range and distribution of some fish stocks will extend or move into more northerly areas. The United States expressed concern that no international agreement exists to manage this potential fishing in the high seas portion of the central Arctic Ocean and as a result fishing vessels could begin fishing in this area in the foreseeable future in the absence of a management mechanism. The United States would like to avoid a situation, similar to the one that occurred in the high seas portion of the central Bering Sea, to be repeated in the high seas portion of the central Arctic Ocean. Because the United States and Russia share common interests in this area, it would be mutually beneficial to share strategies to protect those interests. As such, the U.S.

proposed that both Parties develop a joint proposal for an Agreement to be presented initially to the other three Arctic coastal States for discussion. The Agreement would not create a specific management organization, but instead ensure fishing will not commence until such a regime has been established. Russia said it would consider the U.S. proposal.

Time and Place of the 23<sup>rd</sup> Session of the ICC: The 23<sup>rd</sup> Annual ICC Meeting will be held in Russia in September 2012 at a place to be determined.

### **Staff Contacts**

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## **Memorandum of Understanding on Cooperation on Fisheries Issues Between the National Oceanic and Atmospheric Administration of the United States of America and the Ministry of Fisheries and Coastal Affairs of Norway**

### **Basic Instrument**

The basic instrument establishing U.S.-Norway cooperation in fisheries and aquaculture is the *Memorandum of Understanding (MOU) on Cooperation on Fisheries Issues Between the National Oceanic and Atmospheric Administration of the United States of America and the Ministry of Fisheries and Coastal Affairs of Norway*. The MOU became effective October 1, 2008, and will expire on September 30, 2013.

### **Members**

The United States and Norway.

### **Meetings**

The Parties agreed that their designated representatives will meet annually, or as needed, alternating between the United States and Norway.

### **U.S. Representation**

Pursuant to Article 2 of the MOU, the Parties established a Joint Committee. The Joint Committee consists of one Representative and advisors from each Party. The Representative for NOAA will be the Deputy Assistant Secretary for International Affairs or his designee, as appropriate. The Representative for the Ministry of Fisheries and Coastal Affairs will be the Secretary General, or his designee, as appropriate.

### **Description**

The general purpose of the MOU is to strengthen and encourage cooperation between the United States and Norway on fisheries and other living marine resources, and ecosystem matters. Norway belongs to a number of international organizations to which the United States is also a member, including the International Whaling Commission, the Northwest Atlantic Fisheries Organization, the North Atlantic Salmon Conservation Organization, and the International Commission for the Conservation of Atlantic Tunas. Thus, there are many areas of joint interest and concern regarding living marine resources.

### **Recent Activities**

Representatives of the U.S. National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA) and the Norwegian Ministry of Fisheries and Coastal Affairs met in Silver Spring, Maryland, on September 21-22, 2011, pursuant to the *Memorandum of Understanding on Cooperation on Fisheries issues between NOAA and the Ministry of Fisheries and Coastal Affairs* signed in September 2008. Representatives of the U.S. Department of State, the Norwegian Institute of Marine Research (IMR), and the Norwegian Embassy in Washington, D.C., also participated in the meeting. Dr. Rebecca Lent, Director of the Office of International Affairs for NMFS, co-chaired the meeting with Mr. Vidar Landmark, Director General, Department of Marine Resources and Coastal Management. Mr. Paul Niemeier, NMFS Office of International Affairs, and Mr. Richard Pedersen, Royal Embassy of Norway in the United States, were meeting Co-Facilitators.

In the course of the meeting, a number of fisheries topics of mutual interest to the two countries were discussed. These included cooperation in regional fisheries management organizations, the Arctic Ocean, marine mammal bycatch, illegal, unreported and unregulated fishing, flag state performance, fisheries trade and aquaculture, catch certification, and fisheries research. NOAA representatives also presented policy updates on coastal and marine spatial planning, catch shares, the status of the National Ocean Policy, and lessons learned from the Deep Horizon oil spill.