

COMMANDER,
COAST GUARD WESTERN AREA

OPERATION ORDER

NO. 4 - 70



YELLOWFIN TUNA PATROL

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Operation Order
COMWESTAREA No. 4-70

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DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

Address reply to:
Commander,
Coast Guard Western Area
630 Sansome St.
San Francisco, CA 94126

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Zone Time: Unless otherwise indicated, use Zone Time ZULU for Operations.

Ref: (a) COMWESTAREA OPLAN No. 1 -(FY)

Task Organization (For detailed Task Organization, see Appendix IV to ANNEX A)

a. Air Stations

San Francisco	CCGD12
Barbers Point	CCGD14

b. Assigned Vessels

CGC VENTUROUS (WMEC 625)	CCGD11
CGC RESOLUTE (WMEC 620)	CCGD12
As assigned	Various

c. Radio Stations

All Western Area Stations	
Coast Guard Radio New Orleans (NMG)	CCGD8

d. Other Forces

As assigned

1. SITUATION. The Inter-American Tropical Tuna Convention (IATTC), Tuna Conventions Act (16 U.S.C. 951) and the 1970 Yellowfin Regulations require monitoring at sea. The possibility of circumvention of the regulations and hence violations of the Convention by U.S. fishing vessels necessitates random patrols by ships and aircraft during the period July-December 1970.

a. Enemy Forces - Nil

b. Friendly Forces

(1) U.S. Bureau of Commercial Fisheries (BCF)

(2) Commanders, Western Area Coast Guard Districts for logistics and general support.

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(3) U.S. Bureau of Customs

(4) United States Consuls, Mexico and Costa Rica

c. Attachments and Detachments - None

'2. **MISSION.** Conduct air and surface operations in the patrol area(s) set forth in ANNEX F and as otherwise directed by Commander, Coast Guard Western Area to enforce the 1970 Yellowfin Tuna Regulations.

3. **EXECUTION.** This force will, under authority of Titles 14 and 16 U.S.C., conduct air and surface patrols in the regulated area (ANNEX F) to prevent violations of the IATTC.

a. Task Organization Vessels.

(1) CHOP to Commander, Coast Guard Western Area on dates indicated in ANNEX B or when directed by proper authority.

(2) Host pre-patrol briefings as arranged by Commander, Coast Guard Western Area.

(3) Provide information on fishing vessel activities obtained by means of surface patrols outlined in ANNEX B.

(4) Submit reports in accordance with ANNEX E.

b. Task Organization Air Stations.

(1) Provide information on activities and location of tuna fishing vessels as a result of surveillance flights.

(2) Be prepared to make special surveillance flights as requested by Commander, Coast Guard Western Area in connection with the investigation of incidents growing out of fishing activities.

(3) In addition, CGAS San Francisco is tasked with the responsibility of flight-following TUNAPAT aircraft regardless of origin.

(4) Submit reports in accordance with ANNEX E.

c. Task Organization Radio Stations.

(1) Provide communications services as required by ANNEX C.

d. Other Forces.

(1) Duties as assigned.

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x. Coordinating Instructions.

(1) This OORDER is effective upon receipt for planning purposes and for execution when directed by Commander, Coast Guard Western Area on or about 15 May 1970. It remains in effect until Task Organization Units are released by Commander, Coast Guard Western Area or 31 December 1970, whichever is earlier.

(2) Bureau of Commercial Fisheries agents will accompany patrol vessels and aircraft while such vessels and aircraft are conducting patrols in accordance with Patrol Schedules, ANNEX B.

(3) Commanders, Eighth, Eleventh and Twelfth Coast Guard Districts are requested to furnish appropriate WMEC assets as outlined under Task Organization and communications and logistics support as necessary. Commanders, Twelfth and Fourteenth Coast Guard Districts are requested to furnish air support as outlined under Task Organization upon request from Commander, Coast Guard Western Area and to provide communications and logistics support as appropriate.

(4) All units as appropriate shall:

(a) File movement reports in accordance with these instructions. Vessels assigned to Districts of the Western Area file movement reports in accordance with ANNEX P to reference (a) when conducting TUNAPAT operations. Vessels augmenting the TUNAPAT from other Districts will submit movement reports in accordance with the effective edition of NWIP-10 from port of origin to the briefing port. During TUNAPAT, these vessels, too, will be considered on local operations and will file movement reports in accordance with ANNEX P to reference (a). Upon completion of TUNAPAT duties augmentation vessels will file under the movement report system from OUTCHOP to home port.

(b) Make local movement reports and position reports in accordance with ANNEX P to reference (a). Submit reports at 0800 (Local time) daily addressed as follows:

ACTION--COMWESTAREA
INFO--HOME DISTRICT COMMANDER
CCGD11 (if other than above)

- (c) Effect direct liaison between units as required.
- (d) Conduct SAR operations in accordance with reference (a).
- (e) Make reports in accordance with ANNEX E.

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4. ADMINISTRATION and LOGISTICS.

- a. Administration in accordance with ANNEX E of this OPOD.
- b. Logistics in accordance with ANNEX Q of reference (a) and ANNEX G of this OPOD.
- c. Patrol vessels shall provision and prepare for extended operations without major replenishment prior to departure on patrol.

5. COMMAND and SIGNAL.

- a. Communications in accordance with ANNEX C of this OPOD.
- b. Commander, Coast Guard Western Area at 630 Sansome St., San Francisco, California.



HENRY F. ROHRKEMPER
Captain, U.S. Coast Guard
Acting Commander, Coast Guard Western Area

ANNEXES:

- A- Concept of Operations
- B- Patrol Schedule
- C- Communications
- D- Law Enforcement
- E- Administration
- F- Area Charts
- G- Logistics
- H- Public Information
- I- General

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CCGD11		AIRSTA S.F.	2	<u>OTHER</u>	
(L/B SAR Sector)	2	CGOU	2	COMCARIBAC, C.Z.	1
CCGD12	2	CGRADSTA S.F.1		Bureau of Com-	
AIRSTA		CGRADSTA		mmercial Fisheries	
Barber's Pt.	2	New Orleans	1	San Pedro	6

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ANNEX A

Concept of Operations

1. Background.

a. United States Coast Guard and the United States Bureau of Commercial Fisheries will conduct coordinated patrols in the Eastern Pacific to fulfill enforcement obligations dictated by the Inter-American Tropical Tuna Convention, Tuna Conventions Act (16 U.S.C. 951) and the 1970 Yellowfin Regulations. (See ANNEX D).

The United States is a member of the Inter-American Tropical Tuna Commission, a scientific research and conservation body established in 1950 by a convention between the United States and Costa Rica, later adhered to by Panama, Mexico, Ecuador and Canada. The IATTC supports a large research program carried on by its own staff and recommends for implementation by the member governments conservation measures required to maintain the tropical tuna resources of the Eastern Pacific at a highly productive level.

The member and cooperating governments have enforced an overall annual catch quota for Yellowfin Tuna, without which, according to Commission scientists, this most valuable tropical tuna species would be seriously overfished in the Eastern Pacific. The fishing power of the fleet, primarily United States flag vessels, is such that the quota is filled by the middle of the year, after which the fishing boats are not permitted by regulations to bring in more than an incidental catch of Yellowfin. This limitation, though necessary for conservation, is a very severe one and is accepted reluctantly by the vessel owners and fishermen.

When the Commission began to recognize the necessity of recommending limitations on tuna fishing in the tropical Eastern Pacific, it drew a boundary around the area within which any proposed regulatory measures should be applied. This boundary outlined the limits of distribution of the Eastern Pacific Yellowfin Tuna stocks, as far as they were known, and extended well beyond all the waters traditionally fished by the tuna fleets of the member countries. The area runs from 40°N latitude to 30°S latitude, and varies in offshore extent, as the boundary is drawn step-wise down various longitudes roughly parallel to the coast. Thus it varies from several hundred to over 1,000 miles from shore at different points. (See ANNEX F) When the open season for unlimited fishing of

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Yellowfin is closed, the fishermen must limit their operations during the rest of the year to the lower priced Skipjack Tuna or else move out of the regulatory area to fish. Last year, several of the boats went to the Atlantic to fish during the closed season in the Pacific which poses no problem but two boats brought in catches of Yellowfin from positions just west of the boundary of the regulatory area. This brought up several problems.

Although the fishermen keep log books for the Commission which give the positions at which they make their catches, there is no independent check on the accuracy of the data supplied. Heretofore, there has been no patrol system. The Commission is not in a position to recommend, nor the governments to require that the fishermen limit their operations west of the boundary. There is some possibility then in the present unmonitored state of the fishery, that some fishermen might make catches of Yellowfin within the regulatory area during the closed season and claim that the fish were taken west of the boundary.

Politically speaking, the Inter-American Tropical Convention is unique. The two hundred mile territorial claims of several Latin American nations have been a source of international tension for some time. These excessive claims have been made because of a desire to protect and conserve the fish in the areas adjacent to these countries. One of the U. S. positions against these claims has been that meaningful international conservation measures would preserve the fisheries and make them available to all nations. This Tuna Convention is the only international conservation measure now in force in this area, and effective regulation by the United States is important to uphold our international political position on fish conservation. Failure of the Convention or U. S. regulation may induce strengthening of current 200 mile claims and expansion of claims of countries which do not have excessive territorial claims.

From an economic standpoint, the Yellowfin Tuna industry was valued at \$32.2 million in 1968. United States fishermen catch 87%-90% of the fish. It is therefore to the benefit of the U. S. to preserve these species. Unregulated Yellowfin Tuna fishing would deplete the species and ruin a valuable industry in a few years.

2. General.

a. The patrols and reconnaissance flights called for in this OORDER will provide a surveillance factor which should convince the operators that there is a good probability of their logged positions being checked against the observations of an aerial or surface patrol.

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b. All patrol vessels will, coincident with patrol activities, make all normal reports and observations required by this Operation Order, or by higher authority. Specific assignment to duties for which the "need to know" is limited or the nature of which is classified, will be handled by separate correspondence between the Operational Commander and the patrol craft concerned.

c. Pre-patrol briefings will be conducted for all patrol units. The briefing will normally be conducted by that agent of the Bureau of Commercial Fisheries assigned to the unit for the patrol.

3. Methods of Operation.

a. General Patrols. The law enforcement responsibilities for the Coast Guard as outlined in Titles 14 and 16 U.S.C. are to be carried out while on patrol. A log of fishing vessel sightings shall be maintained by patrol aircraft and ships. This log to contain: Date, Time, Location and name of vessel with remarks concerning activities. Make situation and special interest reports in accordance with ANNEX E.

b. Special Assignments. Occasionally, surface vessels and aircraft may be directed on particular assignments based upon an evaluation of the overall situation which may encompass information not available to the patrol unit. Whenever possible, the purpose of such assignment will be made known to the patrol unit.

c. Routine Assignment. Routine patrols will be conducted in the areas designated in ANNEX F. Aircraft and vessel commanders will consult with BCF ship riders concerning "hot spots" and devise a modus operandi which will attain maximum effectiveness from effort expended.

d. Patrol Hints. Patrol unit commanders will compile a list of patrol hints to be used as a "pass-on" item. It is desired that this compilation continue and eventually such information as is considered appropriate will be incorporated into the OPORD.

e. Patrol Flights. Aircraft surveillance flights will be made upon request of Commander, Coast Guard Western Area to the appropriate Task Organization Unit. Each patrol flight will establish communications with any Coast Guard ship in the general vicinity of the scheduled patrol. The aircraft will attempt to identify all fishing vessels sighted; however, the desirability of providing coverage for the assigned patrol area remains paramount unless on a mission involving the identification of a particular vessel. Patrol vessels will request assistance from the aircraft as required in locating a particular fishing vessel or fleet and the pilot will assist insofar as possible consistent with the desired mission of the aircraft. The position of surface patrol units shall be made known to the pilot before each flight.

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Appendix I to ANNEX A

Scientific Research

1. Oceanography.

a. Bathythermograph. B/T lowerings shall be made at 6-hour intervals when underway (0000, 0600, 1200 and 1800 GMT) coinciding with the time of surface weather observations. Bathythermograph log codes only will be used in reporting to the Analysis Centers as soon as possible. After the lowering, the data obtained will be transmitted by radio to Fleet Weather Central Pearl Harbor, Hawaii. At the conclusion of the patrol, submit the log sheets and slides to the National Oceanographic Data Center, Washington, D.C. (20226). A copy of the forwarding letter shall be sent to Commander, Coast Guard Western Area.

b. Include BCF Radio Station WND, La Jolla, California as info addree on all BT and WX messages.

c. Track Charts and Fathograms shall be maintained in accordance with Oceanographic Office publication number 606-b. At the conclusion of the patrol, units shall forward their sounding tracks and fathograms direct to the Commander, U.S. Naval Oceanographic Office, Washington, D.C. (20226), forwarding a copy of the Oceanographic Sounding Report or letter of transmittal to Commander, Coast Guard Western Area and the respective District Commander. The BC series of contour position plotting sheets should be used for plotting soundings.

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Appendix II to ANNEX A

Search and Rescue

1. The waters in which the law enforcement patrols are expected to operate encompass two separate SAR regions: Eastern Pacific Sub-Region (COMWESTAREA, U. S. Coast Guard) and South Pacific Sub-Region (CINCPAC). The boundaries for these regions are outlined in ANNEX I to reference (a). Search and Rescue in the Pacific approaches to the Panama Canal is the responsibility of COMCARIBAC, Albrook Air Force Base, Canal Zone.
2. TUNAPAT vessels will not normally be called upon for SAR efforts unless the SAR incident occurs in a location where the vessel is in an advantageous position to render assistance. However, the appropriate SAR sector coordinator shall be kept advised when entering his area of responsibility. (See Appendix I to ANNEX E)

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Appendix III to ANNEX A
Convention Area - Hot Spots

1. The following defines the regulatory area as contained in the Inter-American Tropical Tuna Convention: All waters of the Eastern Pacific Ocean bounded by the mainland of the Americas and the following lines: beginning at a point on the mainland where the parallel of 40°N latitude intersects the coast; thence due west to the meridian of 125°W longitude; thence due south to the parallel of 20°N latitude; thence due east to the meridian of 120°W longitude; thence due south to the parallel of 5°N latitude; thence due east to the meridian of 110°W longitude; thence due south to the parallel of 10°S latitude; thence due east to the meridian of 90°W longitude; thence due south to the parallel of 30°S latitude; thence due east to a point on the mainland where the parallel of 30°S intersects the coast.

2. Chartlets showing this area as well as designated areas thought to be of major interest are contained in ANNEX E.

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Appendix IV to ANNEX A

Detailed Task Organization

Commander, Coast Guard Western Area

a. Air Stations (2)

Coast Guard Air Station
San Francisco (C-130 Aircraft)

San Francisco, Calif.

Coast Guard Air Station
Barbers Point (C-130 Aircraft)

Honolulu, Hawaii

b. Radio Stations (5)

Coast Guard Radio Station,
San Francisco

Coast Guard Radio Station,
Honolulu

Coast Guard Radio Station,
Long Beach

Coast Guard Radio Station,
New Orleans

U.S. Navy Radio Balboa

c. WMEC (2)

CGC VENTUROUS (WMEC 625)

CDR J.L.Steinmetz, Jr.
1 July 1966
San Diego, California

CGC RESOLUTE (WMEC 620)

CDR J.L.Smith
4 November 1966
San Francisco, Calif.

d. Other Forces

As assigned

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ANNEX B

FY-71 TUNA PATROL SCHEDULE

	MAY	JUNE	JULY	AUG	SEP	OCT	NOV
AIR STA SAN FRAN	18 <input type="checkbox"/> 22	22 <input type="checkbox"/> 26	27 <input type="checkbox"/> 31		31 <input type="checkbox"/> 4	26 <input type="checkbox"/> 30	16 <input type="checkbox"/> 20
AIR STA BARB.PT.				17 <input type="checkbox"/> 22*	21 <input type="checkbox"/> 26*		
RESOLUTE				21 <input type="checkbox"/> 14			
VENTUROUS						25 <input type="checkbox"/> 16	

PATROL SCHEDULE
(TENTATIVE)

* Unless cancelled due ALPAT requirement

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ANNEX C

Communications Plan

1. General. Communications shall be conducted in accordance with ANNEX P to reference (a), except as modified herein.
2. Purpose. To provide a firm and reliable communications link between Commander, Coast Guard Western Area and Coast Guard patrol units engaged in assigned duties associated with the 1970 Yellowfin Tuna Patrol.
3. Controlling Radio Stations. Lessons learned during the 1969 TUNAPAT indicated that the most expedient and reliable communications was provided by Coast Guard Radio Station New Orleans-NMG. Accordingly, this radio station is designated as the Net Control Radio Station for all participating patrol vessels and aircraft for the 1970 TUNAPAT. Coast Guard Radio Stations San Francisco-NMC and Long Beach-NMQ are designated as Alternate Net Control Stations.
 - a. Patrol Vessels. On departure from home-port, vessels shall utilize their home-district radio station, shifting the radio guard to the NCS or alternates as required to maintain firm communications. To avoid lost communications, vessels shall include CGRADSTA's New Orleans, San Francisco and Long Beach as appropriate addressees in all radio guard shift messages.
 - b. Patrol Aircraft. Aircraft shall attempt to maintain direct communications with CGRADSTA New Orleans. Use of the Alternate Net Stations or any other alternate air/ground communication facility shall be used to ensure positive communications and aircraft safety.
4. Frequency and Mode. The Net Control Station shall designate the appropriate frequencies to be used. RATT shall be the primary mode of operations whenever possible with SSB-voice/CW as the alternate method; however, RATT shall not be utilized if proven unreliable or at the expense of overall communications reliability. Initial contact can be effected on appropriate ship/shore or air/ground frequency dictated by CG-233-1. Maximum use of AUTOVON and/or FTS services between CGRADSTA's and CGAS's is authorized and encouraged for direct liaison in attempts to maintain reliable communications with the patrol unit.
5. Classified Communications. In the event it is necessary to deliver classified message traffic to patrol vessels during their deployment, a plain language message will be sent to the vessel directing radio guard of the appropriate Navy Fleet On-Line Broadcast. Patrol vessels are encouraged to establish Fleet Primary Ship-to-Shore terminations with Navy shore radio stations as appropriate for training or handling classified traffic.

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6. BCF Liaison. In addition to the exchange of Coast Guard message traffic, it may be necessary to provide liaison communications for the on-board representatives of the Bureau of Commercial Fisheries. In such cases, direct communications with the BCF Radio Station-WWD in La Jolla, California is authorized. The station operates 24 hours daily on the following frequencies:

<u>VOICE</u>	<u>CW</u>
4415.8 (AM)	4262
8805.6 (USB)	8698
12403.5 (USB)	12871
16533.5 (USB)	17105
22079.5 (USB)	22419

7. Miscellaneous. The following is provided for general information.

a. The below listed frequencies are thought to be popular within the tuna fleet and are provided for monitoring possibilities. All frequencies are USB and kHz:

4133.0	12414.0
4136.5	16537.0
8273.0	16544.0
8276.5	22078.0
12407.0	22085.0

b. Additional information may be obtained by monitoring the frequencies indicated in Section 280.6(e)(2)(ii) of TAB A to ANNEX D (page D-A-4). The Director, Bureau of Commercial Fisheries may determine that the reporting procedures given therein may not be effective, at which time he will announce his findings in the Federal Register. On publication of such findings, the reporting procedures will apply except that the messages shall be sent through either station KMI (Oakland) or station WOM (Miami). The ship transmitting frequencies for these two stations are:

<u>KMI Ship-1 Channel</u>	<u>KMI Ship-2 Channel</u>
4072.4	4101.2 (SSB only)
8204.4	8201.2 (SSB only)
12382.5	12372.0 (SSB only)
16512.5	16509.0 (SSB only)
22045.5	22042.0 (SSB only)

<u>WOM Ship-1 Channel</u>	<u>WOM Ship-2 Channel</u>
4123.6	4130.0
8262.0	8258.8 (SSB only)
12361.5	12358.0 (SSB only)
16491.5	22063.0
22066.5	

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c. The High Seas Radiotelephone Service (AT&T) "KMI" located in Oakland, California makes storm warning weather broadcasts covering the Eastern North Pacific waters south of 30N from the coast of Mexico and Central America to 140W; the Gulf of Tehuentepec and 150 miles seaward. Each scheduled transmission commences with a short test signal followed immediately by the broadcast. At the completion of this portion the antennas are then directed to the northern and western areas. Whenever time allows, the antennas will be switched back to the southern beam directions and the complete cycle of transmissions will be repeated. This additional weather information may be of considerable value to the patrol craft.

<u>Time (Z)</u>	<u>Frequency (AM)</u>	<u>Azimuth Bearing From Oakland</u>
0500	4371.0	152
	8738.4	137
	13161.5	130
	17307.5	145
1700	4371.0	152
	8738.4	145
	13161.5	130
	17307.5	137

8. Required Report. Communications report desired from participating units at conclusion of patrol covering the following:

- a. The general effectiveness of RATT, CW, and SSB communications.
- b. Communications difficulties encountered, including equipment deficiencies.
- c. Comments and recommendations concerning future TUNAPAT communications.

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ANNEX D

Law Enforcement Plan

1. Purpose. To set forth policy and procedure for Coast Guard law enforcement in connection with the Yellowfin Tuna Patrol.

2. The overall authority for enforcement of U. S. laws on the high seas and waters of U. S. jurisdiction comes from 14 U.S.C. 89(a). Specific authority to police the tuna fisheries comes from 16 U.S.C. 951-959.

a. References.

(1) 1970 Yellowfin Tuna Regulations (TAB A).

(2) Tuna Conventions Act of 1950--16 U.S.C. 951-961 (TAB B).

b. Summary. Under the Convention for the Establishment of the Inter-American Tropical Tuna Commission and the 1970 Yellowfin Tuna Regulations, fishing vessels of the United States may not indiscriminately take yellowfin tuna from within the regulated area (See ANNEX F) during the period 16 April to 31 December 1970. Fishing within the regulated area must be limited to those species of tuna fishes (and none other) known as Albacore, Bigeye, Bluefin and Skipjack. While fishing within the regulated area for any of those varieties, an incidental catch of yellowfin tuna not to exceed 15% of the vessel catch, is permitted. United States fishing vessels desiring to fish exclusively for the yellowfin tuna species during the closed season must provide the Regional Director, Bureau of Commercial Fisheries 24 hour advance notice of his intention to depart the regulatory area. On departure from the regulatory area, the radio message shall include the latitude of departure, approximate time of departure, and the amount of yellowfin and the amount of other fish with which an incidental catch of yellowfin tuna may be made which are aboard the vessel.

On returning to the regulatory area, the radio message shall include the catch of yellowfin tuna and the catch of other species made on that trip outside the regulatory area. Any vessel which fishes outside of the regulatory area, all or part of a voyage, but fails to file the reports required in this section shall be restricted to the incidental catch limit of 15% yellowfin for the entire fishing voyage. One of the major tasks of TUNAPAT vessels will be that of confirming vessel positions contained in these departure and return reports. A vessel

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sighted in close proximity to Clipperton Island, while reporting that she is just returning to the regulatory area will, of course, be in violation of the regulations. The log required by this OORDER will facilitate a DR capability from which a general idea of a vessel's compliance intentions can be ascertained. For example, a vessel position taken from the sighting log, coupled with a departure report which would have required a speed of advance of 25 knots would be cause for suspicion.

A reading of TAB A to this ANNEX will furnish information concerning various technicalities of the regulations. It is expected that the Bureau of Commercial Fisheries ship rider will be expert in these matters and capable of furnishing interpretation as necessary.

c. Boarding.

(1) U. S. vessels may be boarded at any time to determine if they are in compliance with the Motorboat Act, Federal Boating Act, Custom laws, and that they are not violating the Inter-American Tropical Tuna regulations (50 C.F.R. 280). 16 U.S.C. 957 (a) through (h) applies. (See TAB B).

Discretion will be used at all times to avoid harassment of the fishing fleet. Multiple boardings shall be avoided.

d. Instructions. Units and law enforcement officers in the performance of their duties shall:

(1) Be guided particularly by the Boarding Manual, CG-253 and TAB B to this ANNEX.

(2) Note that violations of the 1970 Yellowfin Tuna Regulations are misdemeanors, and that arrest and seizure for violations of the law are specifically authorized with or without a warrant whenever a violation is committed in the presence or view of the enforcement officer.

(3) Take into consideration that an arrest is not punishment and therefore should not be more oppressive than is necessary;

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(4) Exercise the power of arrest with caution. The Federal Government cannot be held liable for the illegal acts of its agents. An agent is personally liable for acts which are outside the scope of his authority;

(5) Assure that all of the elements necessary for an arrest are established before arresting the offender.

(a) Authority is established by the elements of the offense as defined in the Statute, by the place of the offense and by the Statute granting enforcement authority to the Coast Guard.

(b) Intent to arrest is established when a law enforcement agent clearly orders the arrest or vessel seizure. Words such as "I am a Coast Guard Law Enforcement Officer, you are under arrest" or "The Coast Guard hereby seizes the vessel _____", would normally suffice. Identification as a Coast Guard officer is required even though the officer is in uniform.

(c) Knowledge of compliance must be made in some fashion. Ordinarily, compliance with an order completes the status of arrest. This should be accomplished in a manner that will not indicate force or belligerence.

(6) Use only that force required to compel compliance with the law enforcement officer's orders.

(7) Document and retain all evidence establishing the elements of the offense. Photographs, statements, real evidence and navigational data will be of vital importance and therefore must be carefully retained. Before questioning, the arresting officer should warn the person arrested that he has the right to remain silent, and the right to consult an attorney prior to answering and that anything he says may be used against him in a court of law. Any statement made should be taken down and should indicate IN THE STATEMENT that person's willingness to make the statement. Any statement must be made without threat, force, or promise of reward or immunity to be admissible.

(8) It is not envisioned that tuna patrols will result in any arrests or seizures; however, should they occur, notify Commander, Coast Guard Western Area immediately via IMMEDIATE precedence message.

(9) Make notes, as soon as possible after the arrest, or seizure, concerning the details surrounding the case. Information such as location of evidence, identification of witnesses, etc., is very important. The

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notes made must be safeguarded at the unit. The law enforcement officer will need this information in appearances before a U. S. Commissioner, or at a trial which may not take place for a year or more after the offense.

e. Action. Patrol units shall:

(1) When a violation of the Yellowfin Tuna Regulations, or any regulation issued thereunder, has been committed in the unit's presence, or view, by a United States vessel, detain the vessel and notify Commander, Coast Guard Western Area by IMMEDIATE message, containing pertinent facts and unit's recommendations.

f. Harassment Incidents. Patrol units must make every effort to avoid being accused of harassment of foreign fishing vessels. Foreign vessels will not be boarded during this operation. The possibility of a diplomatic protest to our Department of State alleging harassment by a patrol unit makes it mandatory that patrol units:

(1) Adhere strictly to the appropriate articles of the Rules of the Road.

(2) Maintain records of vessel movements, documenting pertinent details of incidents when the Commanding Officer considers that a reconstruction of events may be required at a further date.

3. Reports. Submit reports in accordance with ANNEX E.

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TAB A to ANNEX D

FEDERAL REGISTER

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Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER H—EASTERN PACIFIC TUNA FISHERIES

PART 280—YELLOWFIN TUNA

A notice of proposed rule making was published February 4, 1970 (35 F.R. 2526), to amend Part 280, Title 50, Code of Federal Regulations, which are the regulations governing the eastern Pacific yellowfin tuna fisheries.

Interested persons were given the opportunity to participate through a public hearing at San Diego on February 26, 1970, and through submission of written material which was accepted through March 12, 1970.

The proposed amendment of February 4, 1970 (35 F.R. 2526), regarding radio reporting from outside the regulatory area on even-numbered days (§ 280.6(e)(2)(ii)), did not receive general approval of the participating public who stated that sending messages through commercial stations KMI and WOM was costly and difficult because of the volume of traffic handled by those stations. An alternate plan was suggested wherein several stations operated by the industry, all of which use the same frequencies, would receive required transmissions from the vessels and relay the messages to the Regional Director. An alternate time span during which to send transmissions was also suggested.

Since it appears that the alternate reporting procedures will satisfy the purpose of the regulation, the proposed § 280.6(e)(ii) is revised to incorporate the changes suggested by the public. The revised paragraph contains a proviso, however, that if the reporting procedures suggested by the public are not effective, an announcement so stating will be made in the FEDERAL REGISTER and the reporting procedures as described in the proposed rule making (35 F.R. 2526, February 4, 1970) will apply.

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Other proposed amendments contained in the proposed rule making reduced from 72 to 48 the number of hours prior to departure from port that the Regional Director must be notified of a vessel master's intention to fish outside of the regulatory area, and required all messages described in § 280.6(e) to be sent to telephone number (213) 830-0411. Two additional proposed amendments were read at the hearing. One would cancel the requirement for vessels to notify the Regional Director prior to landings in a foreign port during the open season. The other would discontinue the requirement for vessels permanently based in a foreign country to notify the Regional Director prior to unloading in that country. These proposed changes received general acceptance and are incorporated.

In addition, the references in the regulations making possession of yellowfin in excess of the allowable incidental catch illegal at any time during a trip have been changed so that only the landing of excess yellowfin is illegal. This conforms to the common practice that during some period during a trip the amount of yellowfin aboard may exceed the incidental catch when measured against the catch of other fishes with which yellowfin may be mingled due to the composition of the catch at any one time during a trip.

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685), and dated March 16, 1970.

WILLIAM M. TERRY,
Acting Director,

Bureau of Commercial Fisheries.

Sec.	
280.1	Definitions.
280.2	Basis and purpose.
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280.5	Closed season.
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280.10	Reports and recordkeeping.
280.11	Persons and vessels exempted.
280.12	Fish and Wildlife Service employees designated as enforcement agents.
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AUTHORITY: The provisions of this Part 280 issued under 64 Stat. 777, as amended, 16 U.S.C. 961.

§ 280.1 Definitions.

For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

(a) **United States.** All areas under the sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zone.

(b) **Convention.** The Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, by the United

States of America and the Republic of Costa Rica (1 U.S.T. 230).

(c) **Commission.** The Inter-American Tropical Tuna Commission established pursuant to the Convention.

(d) **Director of Investigations.** The Director of Investigations, Inter-American Tropical Tuna Commission, La Jolla, Calif.

(e) **Bureau Director.** The Director of the Bureau of Commercial Fisheries, Fish and Wildlife Service, U.S. Department of the Interior.

(f) **Regional Director.** The Regional Director, Pacific Southwest Region, Bureau of Commercial Fisheries, 300 South Ferry Street, Terminal Island, Calif., telephone number, area code 213, 831-9281, extension 575.

(g) **Regulatory area.** All waters of the eastern Pacific Ocean bounded by the mainland of the Americas and the following lines: Beginning at a point on the mainland where the parallel of 40° north latitude intersects the coast; thence due west to the meridian of 125° west longitude; thence due south to the parallel of 20° north latitude; thence due east to the meridian of 120° west longitude; thence due south to the parallel of 5° north latitude; thence due east to the meridian of 110° west longitude; thence due south to the parallel of 10° south latitude; thence due east to the meridian of 90° west longitude; thence due south to the parallel of 30° south latitude; thence due east to a point on the mainland where the parallel of 30° south latitude intersects the coast.

(h) **Yellowfin tuna.** Any fish of the species *Thunnus albacares* (synonymy: *Neothunnus macropterus*).

(i) **Other tuna fishes.** Those species (and none other) of the family Scombridae which are known as:

(1) Albacore—*Thunnus alalunga* (synonymy: *Thunnus germon*).

(2) Bigeye—*Thunnus obesus* (synonymy: *Parathunnus sibi*).

(3) Bluefin—*Thunnus thynnus* (synonymy: *Thunnus saliens*).

(4) Skipjack—*Euthynnus pelamis* (synonymy: *Katsuwonus pelamis*).

(j) **Fishing vessel.** Every kind, type, or description of watercraft subject to the jurisdiction of the United States (other than purse seine skiffs) used in or outfitted for catching or processing fish or transporting its catch of fish from fishing grounds.

(k) **Cargo vessel.** Every kind, type, or description of watercraft which is not employed in fishing but which is engaged in whole or in part in the transportation of fish or fish products.

(l) **Person.** Individual, association, corporation or partnership subject to the jurisdiction of the United States.

(m) **Open season.** The time during which yellowfin tuna may lawfully be captured and taken on board a fishing vessel in the regulatory area without limitation on the quantity permitted to be retained during each fishing voyage. Unless otherwise specified, whenever time is stated in hours it shall be construed to refer to local time in the area affected.

(n) **Closed season.** The time during which yellowfin tuna may not be taken or retained on board a fishing vessel in quantities exceeding the amounts permitted to be taken and retained as an incident to fishing for species with which yellowfin tuna may be mingled as defined in § 280.2(b)(3).

§ 280.2 Basis and purpose.

(a) At a special meeting held at Long Beach, California, on September 14, 1961, the Commission recommended to the Governments of Costa Rica, Ecuador, Panama, and the United States of America, parties to the Convention, that they take joint action to limit the annual catch of yellowfin tuna from the eastern Pacific Ocean by fishermen of all nations during the calendar year 1962. This recommendation was made pursuant to paragraph 5 of Article II of the Convention on the basis of scientific investigations conducted by the Commission over a period of time dating from 1951. The most recent years of this period were marked by a substantial increase in fishing effort directed toward the yellowfin tuna stocks, resulting in a rate of exploitation of these stocks greater than that at which the maximum sustainable yield may be obtained. The Commission's recommendation for joint action by the parties to regulate the yellowfin tuna fishery has as its objective the restoration of these stocks to a level of abundance which will permit maximum sustainable catch and the maintenance of the stocks in that condition in the future.

(b) At each annual meeting held since 1962, the Commission affirmed its conclusions regarding the need for regulating the yellowfin tuna fishery in the eastern Pacific Ocean and at each meeting recommended to the parties to the Convention that they take joint action to:

(1) Establish a prescribed tonnage limit on the total catch of yellowfin tuna by the fishermen of all nations during each calendar year from an area of the eastern Pacific Ocean defined by the Commission;

(2) Establish open and closed seasons for yellowfin tuna under prescribed conditions;

(3) Permit the landing of an incidental catch by weight of yellowfin tuna, when landed with one or more of the following fishes, usually caught mingled with yellowfin tuna, that are taken on a fishing trip begun after the close of the yellowfin tuna fishing season: Skipjack tuna, bigeye tuna, bluefin tuna, albacore tuna, bonito, the billfishes, and the sharks; and

(4) Obtain from governments not parties to the Convention, but having vessels which operate in the fishery, cooperation in effecting the recommended conservation measures.

(c) The regulations in this part are designed to implement the Commission's recommendations for the conservation of yellowfin tuna so far as they affect vessels and persons subject to the jurisdiction of the United States.

§ 280.3 Catch limits.

The annual limitation on the quantity of yellowfin tuna permitted to be taken from the regulatory area by the fishing vessels of all nations participating in the fishery will be fixed and determined on the basis of recommendations made by the Commission pursuant to paragraph 5 of Article II of the Convention. Upon approval by the Secretary of State and the Secretary of the Interior of the recommended catch limit, announcement of the catch limit thus established shall be made by the Bureau Director through publication of a suitable notice in the FEDERAL REGISTER. The Bureau Director, in like manner, shall announce any revision or modification of an approved annual catch limit which may subsequently enter into force.

§ 280.4 Open season.

The open season for yellowfin tuna fishing shall begin annually at 0001 hours of the 1st day of January and terminate at a time and date to be determined and announced as provided in § 280.5.

§ 280.5 Closed season.

Pursuant to authority granted by the Commission, the Director of Investigations maintains records of the catches of yellowfin tuna made in the regulatory area from time to time during the open season by the fishing vessels of all nations participating in the fishery. By taking into account the cumulative round weight of such yellowfin tuna catches and the estimated additional quantities of yellowfin tuna expected to be caught by the fishing vessels of all nations operating in the regulatory area, the Director of Investigations will determine the date on which he deems that the yellowfin fishing season should close and will promptly notify the Bureau Director of such date. The Bureau Director shall announce the season closure date thus established by publication in the FEDERAL REGISTER. The closure date so announced shall be final except that if it shall at any time become evident to the Director of Investigations that the closure date initially determined has been affected by changed circumstances, he may substitute another date which shall be announced by the Bureau Director in like manner as provided for the date originally determined.

§ 280.6 Restrictions applicable to fishing vessels.

(a) Except as provided in paragraphs (b), (c), and (e) of this section, after the date determined and announced in the manner provided in § 280.5 for the closing of the yellowfin tuna fishing season, it shall be unlawful for any master or other person in charge of a fishing vessel to land yellowfin tuna in any port or place until the yellowfin tuna fishing season reopens on January 1 next following the close of the season.

(b) Any master or other person in charge of a fishing vessel which has departed port to engage in tuna fishing prior to the date of the closure of the yellowfin fishing season may continue to

take and retain yellowfin tuna without restriction as to quantity until the fishing voyage has been completed by unloading from such fishing vessel the whole or any part of the cargo of tuna taken during such voyage. For the purposes of this subsection, the date of departure from port refers to the date on which the fishing vessel departs from a port to proceed directly to the fishing grounds outfitted, supplied, fueled, provisioned, and manned by officers and crew in the manner and to the extent usually required to carry out fishing operations by means of such vessel: *Provided*, That a stopover at a single intermediate port, not exceeding 48 hours, is permitted for the specific purpose of meeting any deficiencies in such outfitting, supplying, fueling, provisioning, or manning needs of the vessel for a fishing voyage. A stay in an intermediate port in excess of 48 hours shall constitute a new date of departure from port coinciding with the date of the delayed departure from the intermediate port.

(c) Any master or other person in charge of a fishing vessel which has departed port after the date of the closure of the yellowfin season may land in any port or place yellowfin tuna as provided for in subparagraphs (1), (2), and (3) of this paragraph: *Provided*, That the Director by appropriate notice in the FEDERAL REGISTER may adjust the incidental catch rates provided for in subparagraphs (1), (2), and (3) of this paragraph to assure that the United States 4,000 ton yellowfin allotment for vessels of 300 short tons or less carrying capacity is not underutilized and the fifteen percent (15%) overall incidental catch is not exceeded. Any quantity of yellowfin tuna landed in excess of the limitations provided for in subparagraphs (1), (2), and (3) of this paragraph shall be subject to seizure pursuant to section 10(c) of the Tuna Conventions Act of 1950, as amended (16 U.S.C. 959(c)).

(1) Purse seiners of over 300 short tons carrying capacity may land in any port or place yellowfin tuna taken as an incident to fishing for those species listed in § 280.2(b)(3), but in no event shall the yellowfin tuna permitted to be landed by such vessels exceed fifteen percent (15%) by round weight when included with those species listed in § 280.2(b)(3).

(2) Purse seiners of 300 short tons carrying capacity or less may land in any port or place yellowfin tuna taken as an incident to fishing for those species listed in § 280.2(b)(3), but in no event shall the yellowfin tuna so permitted to be landed by such vessel exceed thirty percent (30%) by round weight when included with those species listed in § 280.2(b)(3); except that those purse seiners of 300 short tons capacity or less known as local wetfish boats that meet the following criteria,

(i) Do not possess mechanical refrigeration aboard,

(ii) Do not deliver any yellowfin tuna during the open yellowfin tuna fishing season and,

(iii) Make deliveries on a daily basis, may accumulate the thirty percent

(30%) allowance by weight for incidental catches of yellowfin tuna for the separate period from the closure date until the end of that month, and for each separate period consisting of one calendar month thereafter: *Provided*, That when the catch of yellowfin tuna by purse seiners of 300 short tons carrying capacity or less reaches 4,000 tons the incidental catch rate for those vessels will revert to fifteen percent (15%). A notice of reversion which will apply to purse seiners of 300 short tons of capacity or less leaving port after a selected date will be published in the FEDERAL REGISTER.

(3) Bait boats may land in any port or place yellowfin tuna not to exceed fifty percent (50%) by round weight of the vessel's carrying capacity in short tons or 130 short tons, whichever is the lesser amount: *Provided*, That when the catch of yellowfin tuna by bait boats reaches 1,500 short tons, the incidental catch rate for those vessels of yellowfin tuna will revert to fifteen percent (15%) of yellowfin tuna taken as an incident to fishing for those species listed in § 280.2(b)(3). A notice of reversion which will apply to bait boats leaving port after a selected date will be published in the FEDERAL REGISTER.

(4) The short ton capacity of vessels shall be determined from tables prepared by the Commission which relate carrying capacity to gross and/or net tonnage and from official records available to the Bureau of Commercial Fisheries. Managing owners of purse seine vessels over 300 tons carrying capacity will be notified by registered mail that their vessel is in the large boat category and, therefore, that their incidental catch rate for yellowfin tuna caught in the eastern Pacific regulatory area on trips begun after the yellowfin closure will be fifteen percent (15%). Managing owners not receiving the above notification by registered mail can assume their vessel is in the category of 300 tons or less of carrying capacity. Except that to qualify for the bait boat yellowfin allocation described in this paragraph (c), managing owners of bait boats will, before the vessel departs on its first trip after the yellowfin closure, supply the Regional Director documentation concerning the gross and net tonnage of their vessels together with records of prior unloadings. This information, together with tables supplied by the Commission which relate to gross and/or net tonnage and from official records available to the Bureau of Commercial Fisheries will be used by the Regional Director to establish the carrying capacity of each vessel. Failure to comply will result in such vessels being limited to a fifteen percent (15%) incidental catch of yellowfin tuna taken as an incident to fishing for those species listed in § 280.2(b)(3). This incidental rate will remain in effect for such vessels until the above documentation is supplied and the vessels' capacity determined.

(d) The limitation on the quantity of incidentally caught yellowfin tuna specified in paragraph (c) of this section shall

be applicable to any fishing vessel irrespective of its arrival in port prior or subsequent to December 31 in every case where the catch of tuna has been made during a fishing voyage begun in the closed season.

(e) On trips begun after the closure of the yellowfin season:

(1) All yellowfin tuna caught by fishing vessels which on the same trip fished both within and outside the regulatory area in the Pacific Ocean shall be subject to the incidental catch limitations as set out in paragraph (c) of this section.

(2) All vessels planning to fish exclusively outside the regulatory area in the Pacific Ocean shall report to the Regional Director within 48 hours before leaving port; within 24 hours before departing the regulatory area; and within 24 hours before returning to the regulatory area. Such reports, which must reach the Regional Director within the time limits specified, can be made by letter, telegram, prepaid commercial radio message (either radiogram or ship-to-shore radiophone), or telephone and may be relayed to the Regional Director by the master, managing owner or his shore representative.

(i) On departure from the regulatory area reports described under this subparagraph (2) shall include the latitude of departure from the regulatory area and approximate time of departure. On returning to the regulatory area the reports shall include the catch of yellowfin tuna and of other species made outside the regulatory area and the latitude and approximate time of reentry.

(ii) In addition, each vessel while outside the regulatory area shall transmit a message between 1400 and 1800 hours California time on each even-numbered day; such reporting to continue throughout the closed season. The following message shall be transmitted to a station operated by the tuna industry on one of the following frequencies: 16,565.0 KHz, 16,572.0 KHz, 12,421.0 KHz, 12,428.0 KHz, 8281.2 KHz, or 8284.4 KHz: "This Message is being transmitted in Compliance with the United States Eastern Tropical Pacific Yellowfin Tuna Regulations, and it Confirms that the Vessel (Name of Reporting Vessel) has not Reentered the Eastern Pacific Regulatory Area as of this Date: (Give Date)." Any station receiving such message shall notify the Regional Director at telephone number (213) 830-0411 of such receipt on the same day the message is received. Any vessel that fails to receive an acknowledgement from an industry station that a required transmission has been received by such station must attempt to transmit the same message on the day following the failure to receive such acknowledgement. If in three successive days the vessel fails to receive an acknowledgement that a required transmission has been received, it will be considered that the vessel's radio equipment is not functioning properly and the vessel shall then return directly to port: *Provided, however*, That if the Director, Bureau of Commercial Fisheries, determines that the reporting procedures

given herein (280.6(e)(2)(ii)) are not effective, he will announce his findings in the FEDERAL REGISTER. On publication of such findings the above reporting procedures will apply except that the messages shall be sent through either station KMI (Oakland) or station WOM (Miami) to the Regional Director to area code 213, telephone number 830-0411.

(iii) Those vessels announcing that they will fish entirely outside the regulatory area shall, after leaving port, proceed directly to waters outside the regulatory area and upon reentering the regulatory area, will proceed directly to port for unloading: *Provided*, That if a vessel must make an emergency port call for disembarking a sick or injured crew member, refueling, repairs, or for any other emergency, the vessel will proceed directly to port and will notify the Regional Director forty-eight (48) hours prior to the port call, giving the name of the port to be entered. If the vessel then wishes to resume fishing outside the regulatory area, it must notify the Regional Director again of its intentions as provided in (2) above and proceed directly to waters outside the regulatory area.

(3) All fishing vessels will notify the Regional Director, at least forty-eight (48) hours prior to any delivery or sale in a foreign country, of fish caught in or outside of the regulatory area of the eastern tropical Pacific Ocean. Such reports shall include the amount by species and whether the fish were caught inside or outside of the regulatory area. These reports can be made by prepaid commercial radio message or may be relayed to the Regional Director by the managing owner or his shore representative. Except that those vessels that are permanently based in a foreign country and routinely unload in that country are required to make such reports only when unloading in a country other than that in which they are based.

(4) Any vessel failing to file the reports and to follow the procedures required in this paragraph shall be restricted to the incidental catch limit of fifteen percent (15%) of yellowfin for the entire fishing voyage. This incidental limit is by weight of yellowfin tuna when landed with one or more of the species listed in § 280.2(b)(3).

(f) All messages required in paragraph (e) of this section shall be telephoned to area code 213, telephone number 830-0411.

§ 280.7 Emergency action by Director.

(a) If in light of developments during the closed season for yellowfin tuna the Director finds that the provisions relating to fishing outside the regulatory area are inadequate to insure that the recommendations of the Commission are implemented, he shall announce by appropriate notice in the FEDERAL REGISTER such determination and immediately thereafter:

(1) Every vessel at sea, which has yellowfin tuna aboard in excess of the fifteen percent (15%) allowable incidental catch, which were taken or are claimed to

have been taken outside the regulatory area in the Pacific Ocean shall immediately return to its home port or port of departure to unload or to have its catch aboard certified by any Fish and Wildlife Service or State employee designated as an enforcement officer. Any vessel failing to return immediately to home port or port of departure for the purpose stated shall be permitted to land an amount of yellowfin not to exceed fifteen percent (15%) of its total catch.

(2) Fishing vessels which have fished at any time during the calendar year in the regulatory area and which depart port on a fishing voyage after the notice of the Director as described in this section and fish within the Pacific Ocean shall land only the allowable incidental catch as described in § 280.6(c).

§ 280.8 Restrictions applicable to cargo vessels.

(a) A fishing vessel shall be deemed to have completed a fishing voyage whenever the whole or any part of its catch of tuna from the regulatory area shall be transferred to a cargo vessel in conformity with the requirements of this section.

(b) In keeping with the provisions of section 251, title 46, United States Code, no foreign-flag vessel, whether documented as a cargo vessel or otherwise, is permitted to land in a port of the United States any tuna fish or tuna fish products taken on board such vessel on the high seas.

(c) The transfer of tuna from a fishing vessel to a cargo vessel while in a foreign country or in waters over which the country has recognized jurisdiction is subject to the applicable laws and regulations of such foreign country.

(d) During the closed season for yellowfin tuna, no fishing vessel shall transfer on the high seas any part of its catch of tuna fish to a cargo vessel documented under the laws of the United States and no such cargo vessel shall receive, possess, or bring to any place in the United States, tuna fish taken on board on the high seas from a fishing vessel unless the cargo vessel shall hold a permit issued in conformity with paragraph (e) of this section.

(e) Upon written application made to him, the Regional Director may issue a permit authorizing a cargo vessel documented under the laws of the United States to receive, possess, and transport to the United States, tuna fish transferred from fishing vessels on the high seas during the closed season on yellowfin tuna. Such permit may authorize the possession and transportation of yellowfin tuna by a cargo vessel without regard to the quantities of yellowfin or other marketable species of fish received or possessed on board such vessel during the closed season on yellowfin tuna and shall contain such additional conditions and restrictions as the Regional Director shall determine to be necessary in light of the circumstances in each case to achieve compliance with the regulations in this part and the objectives of the program for the conservation of the yellowfin tuna resources of the regulatory area.

§ 280.9 Restrictions applicable to purchasers.

(a) Except as provided in paragraphs (b) and (d) of this section it shall be unlawful for any person knowingly to receive, purchase, offer to purchase, sell, offer for sale, import, export, or have in custody, possession, or control any yellowfin tuna taken or retained by a fishing vessel in violation of the regulations in this part.

(b) In view of the perishable nature of yellowfin tuna when not processed otherwise than by chilling or freezing, any person authorized to enforce the regulations in this part may cause to be sold, and any person may purchase, for not less than its reasonable market value such quantities of perishable yellowfin tuna as may be seized pursuant to section 10(e) of the Tuna Convention Act of 1950 as amended (16 U.S.C. 959(e)).

(c) The proceeds of any sale made pursuant to paragraph (b) of this section after deducting the reasonable costs of the sale, if any, shall be remitted by the purchaser to the Regional Director for deposit and retention in the Suspense Account of the Bureau of Commercial Fisheries (Account No. 14X8875(17) pending judgment of the court or other disposition of the case.

(d) If a duly constituted official acting under authority and in behalf of a State of the United States, of the Commonwealth of Puerto Rico, or of American Samoa seizes any yellowfin tuna under the applicable laws or regulations of such government, such yellowfin tuna may be forfeited and sold or otherwise disposed of pursuant to such laws or regulations. Any yellowfin tuna so seized by an official of a State, the Commonwealth of Puerto Rico or American Samoa shall not be seized by an officer or employee of the Federal Government unless it is voluntarily turned over to him to be proceeded against under applicable Federal laws or regulations.

§ 280.10 Reports and recordkeeping.

(a) The master or other person in charge of a fishing vessel or such person as may be authorized in writing to serve as the agent of either of such persons shall:

(1) Keep an accurate log of all operations conducted from the vessel entering therein for each day the date, noon position (stated in latitude and longitude or

in relation to known physical features), and the estimated quantities (in short tons, round weight), of tuna fish and other marketable fish, by species, which are taken on board the vessel: *Provided*, That the record and bridge log maintained at the request of the Commission shall be deemed a sufficient compliance with this paragraph whenever the items of information specified herein are fully and accurately entered in such log.

(2) Report by radio at least once each calendar week during a fishing voyage conducted in the open season; such reporting to begin on a date to be announced by the Bureau Director through publication of a suitable notice in the FEDERAL REGISTER and to continue throughout the open season. Reports by radio shall be made directly or through a cooperating vessel to Radio Station WWD, La Jolla, Calif., 4415.8 kc., 8805.6 kc., 12,403.5 kc., or 16,533.5 kc., or by prepaid commercial radio message directed to the Director of Investigations. Radio reports shall be made between 0900 and 2400 P.s.t. and shall state the name of the fishing vessel and the cumulative estimated quantities, by species of all tuna fish taken on board from week to week throughout the duration of the fishing voyage. Weekly reports containing all items of information required by this subsection may be submitted to the Director of Investigations by the shore representative of the master or other person in charge of the vessel in lieu of radio reports from the vessel.

(3) Furnish on a form obtainable from the Regional Director, following the delivery or sale of a catch of tuna made by means of such vessel, a report, certified to be correct as to facts within the knowledge of the reporting individual, giving the name and official number of the fishing vessel, the dates of commencement and conclusion of the fishing voyage, port of departure, and listing separately by species and round weight in pounds or short tons, the gross quantities of tuna fish and other marketable species of fish so sold or delivered: *Provided*, That at the option of the vessel master or other person in charge, a copy of the fish ticket, weigh-out slip, settlement sheet, or similar record customarily issued by the fish dealer or his agent may be used for reporting purposes in lieu of the form obtainable from the Regional Director, if

such alternate record is similarly certified and contains all items of information required by this paragraph: *Provided, further*, That for any vessel landing its catch in California and reporting by means of a copy of the California fish ticket, the California Fish and Game boat number may be indicated in lieu of the vessel's official number. Such report shall be delivered or dispatched by mail to the Regional Director within 72 hours after the weigh-out has been completed.

(b) Any person authorized to carry out enforcement activities under the regulations in this part and any person authorized by the Commission shall have power, without warrant or other process to inspect, at any reasonable time, log books, catch reports, statistical records, or other reports as are required by the regulations in this part to be made, kept, or furnished (16 U.S.C. 956).

§ 280.11 Persons and vessels exempted.

Nothing contained in §§ 280.2 to 280.10 shall apply to:

(a) Any person or vessel authorized by the Commission, the Bureau Director, or any State of the United States to engage in fishing for research purposes.

(b) Any person or vessel engaged in sport fishing for personal use.

§ 280.12 Fish and Wildlife employees designated as enforcement agents.

Any employee of the Fish and Wildlife Service duly appointed and authorized to enforce Federal laws and regulations administered by the Fish and Wildlife Service is authorized and empowered to carry out enforcement activities under the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951-961).

§ 280.13 State officers designated as enforcement agents.

Any officer or employee of a State of the United States, of the Commonwealth of Puerto Rico or of American Samoa who has been duly designated by the Bureau Director or his delegate with the consent of the government concerned, is authorized to function as a Federal law enforcement agent and to carry out enforcement activities under the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951-961).

[F.R. Doc. 70-3279; Filed, Mar. 18, 1970; 8:45 a.m.]

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TAB B to
ANNEX D

TUNA CONVENTIONS ACT OF 1950, AS AMENDED

(Act of September 7, 1950, 64 Stat. 777, as amended
October 15, 1962, 76 Stat. 923; 16 U.S.C. 951-961)

Sec.

- 951. Definitions.
- 952. Commissioner; number, appointment, and qualification.
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- 954. Commissioners and committeemen exempted from certain employment laws.
- 955. Secretary of State to act for United States; regulations; rule-making procedure; prohibitions.
- 956. Inspection of returns, records, or other reports.
- 957. Violations; fines and forfeitures; application of related laws.
- 958. Cooperation with other agencies.
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- 960. Commissions' functions not restrained by this chapter or state laws.
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951. Definitions.

As used in this chapter, the term--

(a) "convention" includes (1) the Convention for the Establishment of an International Commission for the Scientific Investigation of Tuna, signed at Mexico City, January 25, 1949, by the United States of America and the United Mexican States, (2) the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington May 31, 1949, by the United States of America and the Republic of Costa Rica, or both such conventions, as the context requires;

(b) "commission" includes (1) the International Commission for the Scientific Investigation of Tuna, (2) the Inter-American Tropical Tuna Commission provided for by the conventions referred to in subsection (a) of this section, or both such commissions, as the context requires;

(c) "United States Commissioners" means the members of the commissions referred to in subsection (b) of this section representing the United States of America and appointed pursuant to the terms of the pertinent convention and section 952 of this title;

(d) "person" means every individual, partnership, corporation, and association subject to the jurisdiction of the United States; and

(e) "United States" shall include all areas under the sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zone. (Sept. 7, 1950, ch. 907, § 2, 64 Stat. 777, as amended Oct. 15, 1962, Pub. L. 87-814, § 1, 76 Stat. 923.)

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952. Commissioner; number, appointment, and qualification.

The United States shall be represented on the two commissions by a total of not more than four United States Commissioners, who shall be appointed by the President, serve as such during his pleasure, and receive no compensation for their services as such Commissioners. Of such Commissioners--

(a) not more than one shall be a person residing elsewhere than in a State whose vessels maintain a substantial fishery in the areas of the conventions;

(b) at least one of the Commissioners who are such legal residents shall be a person chosen from the public at large, and who is not a salaried employee of a State or of the Federal Government; and

(c) at least one shall be an officer of the United States Fish and Wildlife Service. (Sept. 7, 1950, ch. 907, § 3, 64 Stat. 777.)

953. Advisory Committee; composition; appointment; compensation; duties.

The United States Commissioners shall (a) appoint an advisory committee which shall be composed of not less than five nor more than fifteen persons who shall be selected from the various groups participating in the fisheries included under the conventions, and (b) shall fix the terms of office of the members of such committee, who shall receive no compensation for their services as such members. The advisory committee shall be invited to attend all nonexecutive meetings of the United States sections and shall be given full opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the commissions. The advisory committee may attend all meetings of the international commissions to which they are invited by such commissions. (Sept. 7, 1950, ch. 907, § 4, 64 Stat. 778.)

954. Commissioners and committeemen exempted from certain employment laws.

Service of an individual as a member of the commissions representing the United States appointed pursuant to section 952 of this title, or as a member of the advisory committee appointed pursuant to section 953 of this title, shall not be considered as service or employment bringing such individual within the provisions of sections 281, 283, and 284 of Title 18, of section 99 of Title 5, or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States, other than claims, proceedings or matters in connection with the conventions or this chapter. (Sept. 7, 1950, ch. 907, § 5, 64 Stat. 778.)

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955. Secretary of State to act for United States; regulations; rule-making procedure; prohibitions.

(a) The Secretary of State is authorized to approve or disapprove, on behalf of the United States Government, bylaws and rules, or amendments thereof, adopted by each commission and submitted for approval of the United States Government in accordance with the provisions of the conventions, and, with the concurrence of the Secretary of the Interior, to approve or disapprove the general annual programs of the commissions. The Secretary of State is further authorized to receive, on behalf of the United States Government, reports, requests, recommendations, and other communications of the commissions, and to take appropriate action thereon either directly or by reference to the appropriate authority.

(b) Regulations recommended by each commission pursuant to the convention requiring the submission to the commission of records of operations by boat captains or other persons who participate in the fisheries covered by the convention, upon the concurrent approval of the Secretary of State and the Secretary of the Interior, shall be promulgated by the latter and upon publication in the Federal Register, shall be applicable to all vessels and persons subject to the jurisdiction of the United States.

(c) Regulations required to carry out recommendations of the commission made pursuant to paragraph 5 of article II of the Convention for the Establishment of an Inter-American Tropical Tuna Commission shall be promulgated as hereinafter provided by the Secretary of the Interior upon approval of such recommendations by the Secretary of State and the Secretary of the Interior. The Secretary of the Interior shall cause to be published in the Federal Register a general notice of proposed rulemaking and shall afford interested persons an opportunity to participate in the rulemaking through (1) submission of written data, views, or arguments, and (2) oral presentation at a public hearing. Such regulations shall be published in the Federal Register and shall be accompanied by a statement of the considerations involved in the issuance of the regulations. After publication in the Federal Register such regulations shall be applicable to all vessels and persons subject to the jurisdiction of the United States on such date as the Secretary of the Interior shall prescribe, but in no event prior to an agreed date for the application by all countries whose vessels engage in fishing for species covered by the convention in the regulatory area on a meaningful scale, in terms of effect upon the success of the conservation program, of effective measures for the implementation of the commission's recommendations applicable to all vessels and persons subject to their respective jurisdictions. The Secretary of the Interior shall suspend at any time the application of any such regulations when, after consultation with the Secretary of State and the United States Commissioners, he determines that foreign fishing operations in the regulatory area are such as to constitute a serious threat to the achievement of the objectives of the commission's recommendations. The regulations thus promulgated may include the selection for regulation of one or more

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of the species covered by the convention; the division of the convention waters into areas; the establishment of one or more open or closed seasons as to each area; the limitation of the size of the fish and quantity of the catch which may be taken from each area within any season during which fishing is allowed; the limitation or prohibition of the incidental catch of a regulated species which may be retained, taken, possessed, or landed by vessels or persons fishing for other species of fish; the requiring of such clearance certificates for vessels as may be necessary to carry out the purposes of the convention and this chapter; and such other measures incidental thereto as the Secretary of the Interior may deem necessary to implement the recommendations of the commission:

Provided, That upon the promulgation of any such regulations the Secretary of the Interior shall promulgate additional regulations, with the concurrence of the Secretary of State, which shall become effective simultaneously with the application of the regulations hereinbefore referred to (1) to prohibit the entry into the United States, from any country when the vessels of such country are being used in the conduct of fishing operations in the regulatory area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the commission, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the commission and which were taken from the regulatory area; and (2) to prohibit entry into the United States, from any country, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the commission and which were taken from the regulatory area by vessels other than those of such country in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the commission. In the case of repeated and flagrant fishing operations in the regulatory area by the vessels of any country which seriously threaten the achievement of the objectives of the commission's recommendations, the Secretary of the Interior, with the concurrence of the Secretary of State, may, in his discretion, also prohibit the entry from such country of such other species of tuna, in any form, as may be under investigation by the commission and which were taken in the regulatory area. The aforesaid prohibitions shall continue until the Secretary of the Interior is satisfied that the condition warranting the prohibition no longer exists, except that all fish in any form of the species under regulation which were previously prohibited from entry shall continue to be prohibited from entry. (Sept. 7, 1950, ch. 907, § 6, 64 Stat. 778, as amended Oct. 15, 1962, Pub. L. 87-814, § 2, 76 Stat. 923.)

956. Inspection of returns, records, or other reports.

Any person authorized to carry out enforcement activities under this chapter and any person authorized by the commissions shall have power without warrant or other process, to inspect, at any reasonable time, catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this chapter to be made, kept, or furnished. (Sept. 7, 1950, ch. 907, § 7, 64 Stat. 778, as amended Oct. 15, 1962, Pub. L. 87-814, § 3, 76 Stat. 924.)

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957. Violations; fines and forfeitures; application of related laws.

(a) It shall be unlawful for any master or other person in charge of a fishing vessel of the United States to engage in fishing in violation of any regulation adopted pursuant to section 955 (c) of this title or for any person knowingly to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of such regulations.

(b) It shall be unlawful for the master or any person in charge of any fishing vessel of the United States or any person on board such vessel to fail to make, keep, or furnish any catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this chapter to be made, kept, or furnished; or to fail to stop upon being hailed by a duly authorized official of the United States; or to refuse to permit the duly authorized officials of the United States or authorized officials of the commissions to board such vessel or inspect its catch, equipment, books, documents, records, or other articles or question the persons on board in accordance with the provisions of this chapter, or the convention, as the case may be.

(c) It shall be unlawful for any person to import, in violation of any regulation adopted pursuant to section 955 (c) of this title, from any country, any fish in any form of those species subject to regulation pursuant to a recommendation of the commission, or any tuna in any form not under regulation but under investigation by the commission, during the period such fish have been denied entry in accordance with the provisions of section 955 (c) of this title. In the case of any fish as described in this subsection offered for entry into the United States, the Secretary of the Interior shall require proof satisfactory to him that such fish is not ineligible for such entry under the terms of section 955 (c) of this title.

(d) Any person violating any provisions of subsection (a) of this section shall be fined not more than \$25,000, and for a subsequent violation of any provisions of said subsection (a) shall be fined not more than \$50,000.

(e) Any person violating any provision of subsection (b) of this section shall be fined not more than \$1,000, and for a subsequent violation of any provision of subsection (b) shall be fined not more than \$5,000.

(f) Any person violating any provision of subsection (c) of this section shall be fined not more than \$100,000.

(g) All fish taken or retained in violation of subsection (a) of this section, or the monetary value thereof, may be forfeited.

(h) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a cargo for violation of the customs laws, the disposition of such cargo or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to

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seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this chapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this chapter. (Sept. 7, 1950, ch. 907, § 8, 64 Stat. 779, as amended Oct. 15, 1962, Pub. L. 87-814, § 4, 76 Stat. 924.)

958. Cooperation with other agencies.

(a) In order to provide coordination between the general annual programs of the commissions and programs of other agencies, relating to the exploration, development, and conservation of fishery resources, the Secretary of State may recommend to the United States Commissioners that they consider the relationship of the commissions' programs to those of such agencies and when necessary arrange, with the concurrence of such agencies, for mutual cooperation between the commissions and such agencies for carrying out their respective programs.

(b) All agencies of the Federal Government are authorized on request of the commissions to cooperate in the conduct of scientific and other programs, or to furnish facilities and personnel for the purpose of assisting the commissions in the performance of their duties.

(c) The commissions are authorized and empowered to supply facilities and personnel to existing non-Federal agencies to expedite research work which in the judgment of the commissions is contributing or will contribute directly to the purposes of the conventions. (Sept. 7, 1950, ch. 907, § 9, 64 Stat. 779.)

959. Enforcement of chapter.

(a) Issuance of Process.

The judges of the United States district courts and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process as may be required for enforcement of this chapter and the regulations issued pursuant thereto.

(b) Federal law enforcement agents.

Enforcement of the provisions of this chapter and the regulations issued pursuant thereto shall be the joint responsibility of the United States Coast Guard, the United States Department of the Interior, and the United States Bureau of Customs. In addition, the Secretary of the Interior may designate officers and employees of the States of the United States, of the Commonwealth of Puerto Rico, and of American Samoa to carry out enforcement activities hereunder. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes.

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(c) Execution of process.

Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this chapter.

(d) Arrests.

Such person so authorized shall have the power--

(1) with or without a warrant or other process, to arrest any persons subject to the jurisdiction of the United States at any place within the jurisdiction of the United States committing in his presence or view a violation of this chapter or the regulations issued thereunder;

(2) with or without a warrant or other process, to search any vessel subject to the jurisdiction of the United States, and, if as a result of such search he has reasonable cause to believe that such vessel or any person on board is engaging in operations in violation of the provisions of this chapter or the regulations issued thereunder, then to arrest such person.

(e) Seizures and disposition of fish.

Such person so authorized may seize, whenever, and wherever lawfully found, all fish taken or retained in violation of the provisions of this chapter or the regulations issued pursuant thereto. Any fish so seized may be disposed of pursuant to the order of a court of competent jurisdiction, pursuant to the provisions of subsection (f) of this section or, if perishable, in a manner prescribed by regulations of the Secretary of the Interior.

(f) Security.

Notwithstanding the provisions of section 2464 of Title 28, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the execution of such process, or discharge any fish seized if the process has been levied, on receiving from the claimant of the fish a bond or stipulation for the value of the property with sufficient surety to be approved by a judge of the district court having jurisdiction of the offense, conditioned to deliver the fish seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court. In the discretion of the accused, and subject to the direction of the court, the fish may be sold for not less than its reasonable market value and the proceeds of such sale placed in the registry of the court pending judgment in the case. (Sept. 7, 1950, ch. 907, § 10, 64 Stat. 779, as amended Oct. 15, 1962, Pub. L. 87-814, § 5, 76 Stat. 925.)

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960. Commissions' functions not restrained by this chapter or state laws.

None of the prohibitions contained in this chapter or in the laws and regulations of the States shall prevent the commissions from conducting or authorizing the conduct of fishing operations and biological experiments at any time for the purpose of scientific investigations as authorized by the conventions, or shall prevent the commissions from discharging any of its or their functions or duties prescribed by the conventions. (Sept. 7, 1950, ch. 907, § 11, 64 Stat. 779.)

961. Appropriations authorized.

There is authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of each convention and of this chapter, including--

(a) contributions to each commission for the United States share of any joint expenses of the commission and the expenses of the United States Commissioners and their staff, including personal services in the District of Columbia and elsewhere;

(b) travel expenses without regard to the Standardized Government Travel Regulations, as amended, the Travel Expense Act of 1949, or section 73b of Title 5;

(c) printing and binding without regard to section 111 of Title 44, or section 5 of Title 41;

(d) stenographic and other services by contract, if deemed necessary, without regard to section 5 of Title 41; and

(e) purchase, hire, operation, maintenance, and repair of aircraft, motor vehicles (including passenger-carrying vehicles), boats and research vessels. (Sept. 7, 1950, ch. 907, § 12, 64 Stat. 780.)

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ANNEX E

Administration Plan

1. General. Patrol vessels will observe normal Coast Guard administrative procedures.
2. Personnel.
 - a. Due to the relatively short duration of patrol sorties, only requests for emergency leave should be entertained.
 - b. Liberty may be granted at the discretion of Commanding Officer, consistent with operational requirements and in the case of foreign ports at such times as appropriate clearance has been received.
3. Passengers. In the furtherance of the mission assigned, Commanding Officers are authorized to approve transportation of Federal and State employees and others of similar category when such transportation serves the interests of the United States. The name, identification, destination and security status, if any, of all official and otherwise authorized passengers shall be reported to Commander, Coast Guard Western Area. BCF agents are authorized passengers on aircraft patrols and surface vessel patrols. For Bureau of Commercial Fisheries agents, the agent's name only shall be reported to Commander, Coast Guard Western Area for compliance with this paragraph.
4. Drills and Exercises. Regularly scheduled drills and exercises may be conducted as patrol operations permit. Such scientific data gathering and communications testing activities as are prescribed by this ORDER are to be conducted on a "not to interfere with patrol" basis. Coordinated drills and exercises, utilizing Coast Guard aircraft may be arranged. Direct liaison is authorized. Commander, Coast Guard Western Area will assist in arrangements if desired.
5. Movies. Commanding Officers shall arrange for movie programs to provide for the entire operating period as desired.

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Appendix I to ANNEX E

Reports

1. General. All TUNAPAT units shall submit the regular, on occurrence and special reports required by other directives, and higher authority. Such reports include weather reports, sounding and bathythermograph reports and vital information reports.

2. Patrol Reports.

a. Patrol Vessels. Each vessel shall submit a report to Commander, Coast Guard Western Area, information to home district within 15 days after termination of patrol. The reports shall consist of the following information presented in the format indicated:

(1) Annex A - General Discussion, Opinions and Numbered Recommendations offered to increase the effectiveness of the patrol operations. General discussion of any or all phases of the operation.

(2) Annex B - Operations

(a) Total miles cruised on law enforcement duty

(b) Total number of sightings by nationality. List names, estimated size and short descriptions of vessels.

(c) Chronological listing of:

1. Violations of Conservation Laws & Treaty Agreements

2. Violations: Other

(d) Boardings

(e) SAR Activities

(f) Communication/Evaluation Summary

(g) Navigation matters

(h) Participation in scientific programs.

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- (3) Annex C - Engineering
 - (a) Discussion of engineering matters.
- (4) Annex D - Logistics and Administration
 - (a) Discussion of supply matters.
 - (b) Participation in PIO program.

b. Air Stations. A letter report shall be submitted within 15 days after termination of a patrol flight and shall contain Annexes as listed under a. above, as appropriate together with the following:

- (1) Number of sorties.
- (2) Hours flown.
- (3) Estimated miles flown.
- (4) Remarks.

c. Other Units. Task Organization Radio Stations shall submit a report in accordance with ANNEX C of this OORDER within 15 days of notification of cessation of patrol activity or by 15 January 1971, whichever is earlier.

3. Movement/Position Reports: Para.3. x. (4) basic OORDER.

4. Situation Reports. TUNAPAT units will submit an unclassified PRIORITY precedence daily SITREP as of 2000 (local time) addressed as follows:

ACTION - COMWESTAREA
INFO - HOME DISTRICT COMMANDER
CCGDELEVEN (If other than the above)

The SITREP will include but not necessarily be limited to:

- a. Position
- b. Summary of significant activity during previous 24 hour period.
- c. Intentions for next 24 hour period. (Where possible, use lettered area designations, i.e. Intend patrol areas M - N thence Clipperton Is. area.)

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d. Remarks.

5. Transiting SAR Boundaries. TUNAPAT vessels will make PRIORITY precedence message reports when crossing SAR boundaries. The report shall be addressed as follows:

ACTION - SAR Coordinator of area entered
INFO - SAR Coordinator of area departed
Pacific SAR Coordinator

6. Accidents or Casualties. Make CASREPTS to home District Commander, information to COMWESTAREA.

7. Sounding Program Reports. As required for class of vessel.

8. Bathythermograph Reports. As required for class of vessel and in accordance with Appendix I to ANNEX A.

9. Special Communications Reports. End of patrol report as required by ANNEX C of this OORDER.

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ANNEX F

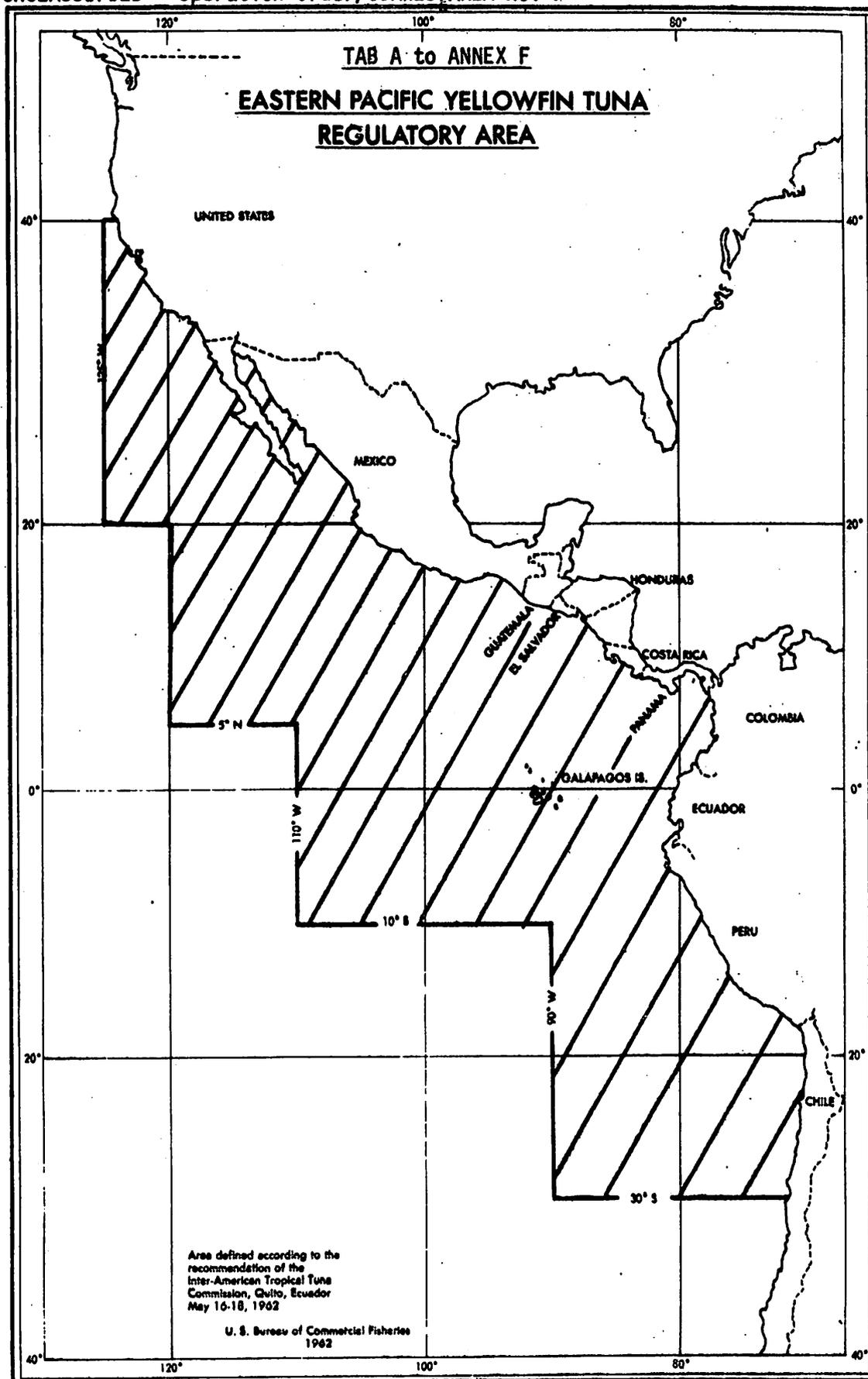
Patrol Areas

1. Regulated Area. TAB A contains a chartlet of the area regulated under the Yellowfin Tuna Convention.
2. Interest Areas. TAB B contains a chartlet outlining the main interest areas. These areas have been given letter designations to facilitate easy reference in those cases where pin-point accuracy is not essential.

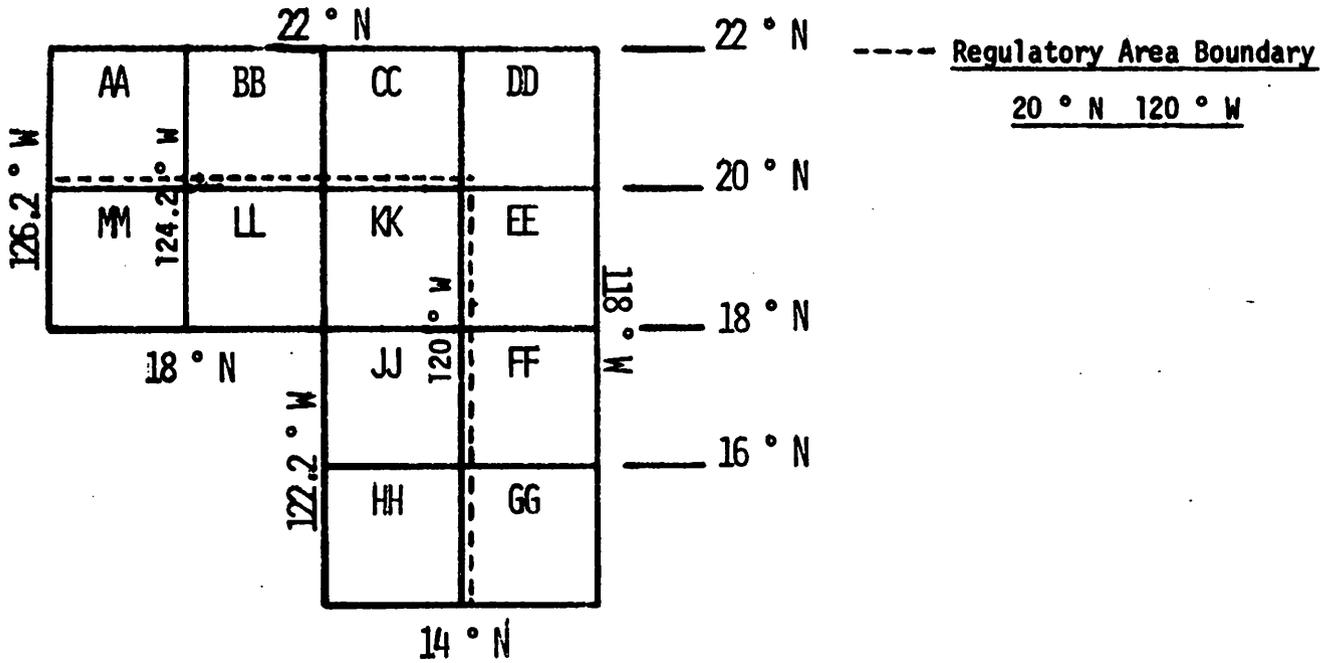
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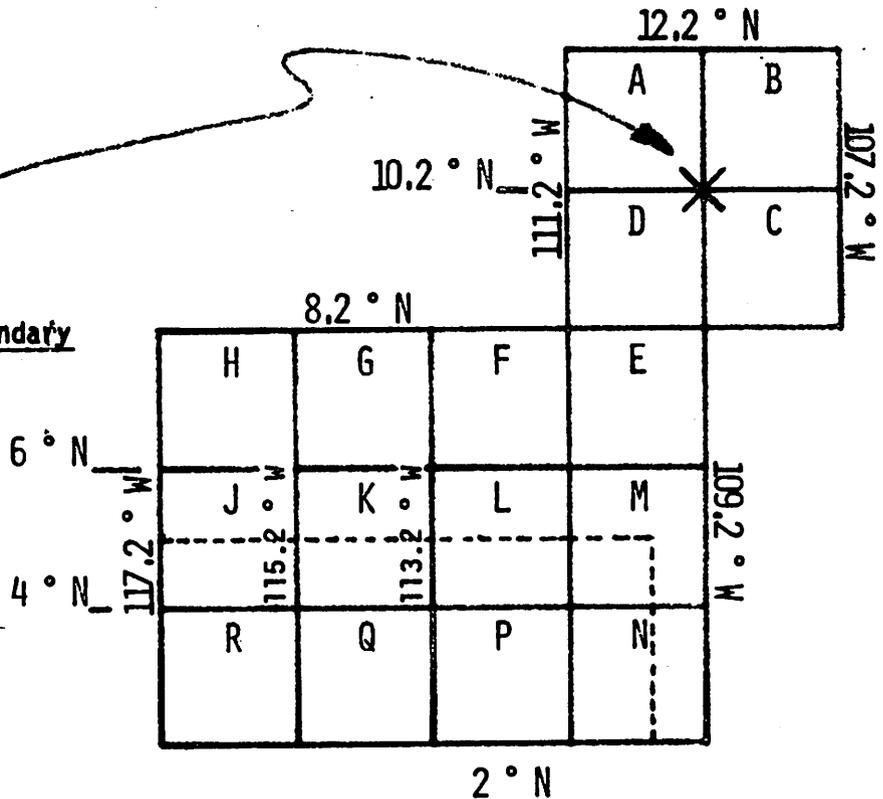


TAB B to ANNEX F
Area Grid Chartlets



* CLIPPERTON ISLAND

----- Regulatory Area Boundary
5° N 110° W



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ANNEX G

Logistics

1. Purpose. To provide general information on the availability of supplies in Mexico and to attempt to provide a workable means of settling accounts to the satisfaction of vendors in Mexican ports.

2. General. With the exception of fuels, units must be self-supporting upon departure for patrol. Potable water is not available in significant quantities in Mexico. All water should be boiled before drinking. Aircraft must rely on bottled water while deployed and vessels must make use of evaporators. Procurement of fresh produce is not encouraged.

3. Fuel.

a. Aircraft. JP-4 or equivalent is available at Acapulco by prior arrangement. Requirements should be made known to Commander, Coast Guard Western Area in sufficient time (three working days when possible) to allow for liaison between that office and the Naval Attaché, Mexico City to ensure pre-positioning of sufficient quantities. The U. S. Naval Attaché, Mexico City advises that his contact in Acapulco is:

Mr. Frank Brandstetter
Manager, Las Brisas Hotel
Acapulco, Mexico - Telephone No. 40838 or 41657

Alternate: Mr. Jose Salinas
Las Brisas Hotel
Acapulco, Mexico - Telephone No. 40838 or 41657

b. Vessels. Fueling facilities are available at Mazatlan as is a U. S. Consulate Office to facilitate payment for fuel received. Commander, Coast Guard Western Area will obtain vessel clearances into Mazatlan after consultation with Commanding Officers involved concerning expected arrival dates, requirements, etc. The Consulate contact in Mazatlan is:

Mr. Abraham Vigil
Tel: Mazatlan 2687 or 2685

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4. PAYMENT.

a. Present certified fuel billings to one of the contacts in 3 a. or b., above, forwarding to the Embassy, Mexico City (Danubio and Paseo de la Reforma, 305 Colonia Cuauhtemoc, Mexico City, Mexico) which will make appropriate disbursements to vendors. Authority for the American Embassy to disburse Coast Guard funds chargeable to appropriation 69X0201 is contained in Airgram No. 162 from Department of State to Embassy, Mexico City dated 15 November 1966, and is of a continuing nature.

5. CASH.

a. The authority cited above covers "supplies, materials and services", however, in actual practice such items as pilotage fees, line handling fees and other relatively minor charges should be paid in cash. Class A (Limited) cashiers should be prepared to handle such transactions within the limitations of their authority. Paragraph 2F04003, Comptroller's Manual, shall be invoked by Districts whose WMEC's do not now carry a Class A (Limited) cashier. A fund authorization of \$500.00 is recommended.

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ANNEX H

Public Information

1. Discussion. It is desired that maximum publicity be given to TUNAPAT in order that both the United States and Latin American publics are advised of this country's sincere effort to cooperate in the conservation of Yellowfin Tuna. TAB A is a copy of the news release simultaneously released by Commander, Coast Guard Western Area, Commanders, Eleventh, Twelfth and Fourteenth Coast Guard District and Commanding Officer, Coast Guard Air Station, San Diego. Other releases will be furnished to all participating units as they are made.

2. Action. Commander, Coast Guard Western Area will:

a. Make general releases to West Coast and Hawaii news media as information becomes available.

b. Furnish Fleet Home Town News Center with a master story to be used with unit hold files, updating information automatically as necessary.

c. Provide each unit with a sufficient number of copies of a general news release, in Spanish, for distribution in Latin American ports.

d. Provide assistance to Districts or units involved as requested.

Commanding Officers of cutters will:

a. Provide Fleet Home Town News Center with up-to-date, complete hold files at least two weeks prior to departure on patrol. The letter of transmittal shall indicate inclusive dates of the patrol and, if known, the expected ports of call. For identification, subject line of all correspondence shall include "TUNAPAT". COMDTINST 5724.2 governs participation in the hometown news program.

b. Contact news media in the homeport prior to departure so that the Cutter's participation in TUNAPAT can be afforded exposure to the public.

c. Advise media upon completion of patrol, especially if the patrol has been eventful.

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d. Provide Commander, Coast Guard Western Area (Public Information) with copies of newspaper clippings of stories pertaining to the ship's participation in TUNAPAT. Any editorial comment noted in the Latin American press is particularly desired by the Area Commander. Coverage by the electronic news media shall be briefly summarized in the Patrol Report.

e. If events of interest occur on patrol, they may be released in ports of call. If release is questionable, a proposed release may be sent by message to the Area Commander for clearance.

Aviation units will:

a. Make local releases when aircraft make patrols, basing these releases on information contained in TAB A and subsequent material provided by the Area Commander. The news release should emphasize local unit participation in TUNAPAT.

b. Make releases to Fleet Home Town News Center on personnel participating in patrols.

3. Photographs. Any photographs made which may be of value in future patrols shall be mailed to the Area Office for processing and distribution to all participating commands. Additional prints will be furnished as requested. Original negatives and prints of no special interest in TUNAPAT will be returned to the originator. Any pictures which may have high news value will be reported by message so that, if possible, special arrangements can be made for processing.

4. Embarking News Media. The Area Commander shall be informed of requests by the media to embark for a patrol, as soon as possible. Instructions pertaining to news media representatives embarking in Coast Guard vessels and aircraft are covered in CG-247, Guide to Coast Guard Public Information Services.

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ANNEX I

General

1970 Purse Seine Fleet

<u>NAME</u>	<u>CALL SIGN</u>	<u>SKIPPER</u>	<u>CAPACITY</u>
ALPHECCA	WF 6513	Joe Machado	282
ANNE M.	---	---	---
ANNA MARIA	---	---	---
ANTOINETTE B.	WD 3761	George Souza	277
ANTONINA C.	---	---	---
AZOREANA	WS 7493	Bill Madruga, Jr.	378
BERNADETTE	KCXL	Chris Da Rosa	330
BEVERLY LYNN	WX 9651	George Fukuzaki	266
BLUE DOLPHIN	WF 8701	Mike Cuscito	340
BLUE PACIFIC	WX 9755	Roger Soares	936
BOLD VENTURE	WY 3052	Art Ferreira	913
CABRILLO	WY 4621	Steve Soares	638
CAPE ANN	WH 7378	Manuel Graca	377
CAPE BEVERLY	WE 2009	George Ferreira	221
CAPE COD	WN 2257	---	---
CAPE SAN VINCENT	---	---	---
CARIBBEAN	WN 2425	Frank Gargas	811
CAROL VIRGINIA	WX 7602	Gerry Thomas	507
CATHY LYNN	WB 2507	Manuel Silva Jr.	373
CHERYL MARIE	WY 5528	John Silveira	700
CITY OF LOS ANGELES	---	Nick Gorgas	147
CITY OF PANAMA	WR 3861	Rollin Virissimo	919
CITY OF TACOMA	WQ 4002	Louis Sitta	812
CLIPPERTON	WR 3306	Joe Silva	493
COIMBRA	WI 2003	Frank Paula	300
COMMODORE	KFNX	Sam Navarra	242
CONCHO	WX 7018	Joe Adamo	348
CONNIE JEAN	WX 5665	Gene Cabral	559
CONQUEST	WY 5501	Richard Madruga	650
CONSTITUTION	KAEG	Manuel Neves Jr.	386
CONTE BIANCO	WX 8008	Louis Castagnola	380
COURAGEOUS	WX 8928	John Marinkovich	300
CRUSADER	---	Mike Duran	183
DAY ISLAND	WEHB	Bill Martin	1097
DEFENSE	---	John Zorotovich	176
DOLORES M.	---	Anton Mesetich	174
DETERMINED	WD 3473	John Cvitanich	238
DOMINATOR	WX 8006	Manuel Vargas	329

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<u>NAME</u>	<u>CALL SIGN</u>	<u>SKIPPER</u>	<u>CAPACITY</u>
EASTERN PACIFIC	WV 9113	Bill Magellan	574
ECUADOR	KPHD	Manuel Souza	434
ELIZABETH	WQ 3000	Manuel Jorge	450
ELSIE A.	WX 8007	Ed Da Rosa	430
ELSNORE	WX 7604	George Zeluff	328
ENDEAVOR	WV 8612	Joe Alioto	338
FREEDOM	---	Ante Dundo	351
GINA KAREN	WY 5527	Vito Romani	500
GOLDEN PACIFIC	WH 5356	Marco Collini	454
SAN PEDRO BAY	---	Andrew Tipich	121
HISTORIC	WN 9237	Cookie Virissimo	220
HORNET	WT 9202	Manuel Felante	801
INDEPENDENCE	WV 7000	Fifi Parmigiani	351
INVADER	---	---	---
JACQUELINE A.	---	---	---
JEANETTE C.	WY 2265	Manuel Caboz	980
JEANNE LYNN	WX 7608	Tony Rose	233
J.M.MARTINAC	WX 8935	Lou Brito	558
JOHN F. KENNEDY	---	---	---
JO LINDA	WX 8009	August Guidi	300
KATHLEEN	WY 7929	---	---
KATHERINE M.	WG 4706	Frank Medina	260
KERRI M.	WY 5704	Harold Medina	700
KITTY HAWK	WQ 3001	Vito Zottolo	310
LARRY ROE	WY 5505	Joe Gois	354
LEXINGTON	WA 2203	Joe Felante	536
LIBERATOR	---	Paul Biavezitch	157
LIBERTY	---	Anthony Misetich	185
LIBERTY BELL	---	Joe Scaffidi	351
LOIS SEAVER	WX 7017	Jerome Gangitano	195
LOU JEAN II	WY 6321	Louis Guidi Jr.	500
LUSITANIA	---	Pete Balastrieri	156
MARIETTA	WY 4738	Julius Zolezzi	650
MARINER	---	Joe Luis	286
MARY ANTOINETTE	---	---	---
MARY BARBARA	WX 8010	Art Ramsey	350
MARY CARMEN	WI 6802	---	---
MARY LOU	KKVR	Joe Souza	198
MAURITANIA	WO 2600	Nick Mosich Jr.	345
MAY QUEEN	---	Jack Borcich	254
MERMAID	WY 8005	Joe Parisi	510
MISSOURI	WX 8005	Joe Parisi	510
NAUTILUS	WR 6741	Manuel Cintas	921
NAVIGATOR	WX 8012	Nello Marciel	326

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<u>NAME</u>	<u>CALL SIGN</u>	<u>SKIPPER</u>	<u>CAPACITY</u>
NEPTUNE	WY 4740	Raul Lira	950
NEW ERA	---	---	---
OLYMPIA	WB 9280	---	---
PACIFIC KNIGHT	---	---	---
PACIFIC QUEEN	WY 2336	Ollie Virissimo	663
PACIFIC TRADEWINDS	WY 4739	Pete Lipanovich	700
PARAMOUNT	WL 5350	Barney Marincovich	393
PILGRIM	---	Ray Medeiros	911
PIONEER	---	John Evich	188
PORTUGUESA	WX 8002	Pete DeLuca	200
PURITAN	WI 5825	Art Ulrich	915
QUEEN MARY	WY 5524	Joe Medeira	500
RANGER	WX 8013	Ernie Silva	298
REDONDA	WH 6979	---	---
REEFER QUEEN	WO 4359	Clarence Fernandez	506
RENOWN	WX 7600	Bob Alcott	260
RONNIE S.	WB 6376	Tom Santos	264
ROYAL PACIFIC	WR 8012	Maurice Correira	460
RUTHIE B.	---	Claudia Miranda	200
SAN ANTONIO IV	---	Vince Kelocich	75
SAN JUAN	WX 8016 (S.D.)	James Mellussi	353
SAN JUAN	WI 7714 (P.R.)	John Virissimo	1031
SANTA ANITA	WS 5292	---	---
SANTA ROSA	WD 5312	John Gomes	222
SARATOGA	---	Maurice Correira	258
SEAFARER	WV 8601	Manuel Santana	284
SEAPREME	WX 7016	Frank Valin Jr.	350
SEA SCOUT	---	Matt Dragich	159
SOUTH COAST	---	Manuel Da Silva	209
SOUTHERN PACIFIC	WD 9235	Frank Souza	247
SOUTHERN QUEEN	---	John Rippo	189
STARCREST	---	Dan Battaglia	192
SUN EUROPA	WV 6001	Mario Crivello	367
SUN KING	---	Drago Giaconi	252
UNITED STATES	WX 7019	Pete Giacalone	531
VAGABOND	---	John Stanovich	107
VALIANT	---	Fred McDonnell	220
VICTORIA	WX 5601	Anibal Freitas	355
VIVIAN ANN	WZY 9943	Manuel Andradf	500
WEST POINT	WS 9508	Sam Leite	245
WESTERN ACE	WE 2922	Joe Alioto	641
WESTERN FISHER	---	Nick Radovcich	153
WESTERN KING	WH 6294	Nick Trutanich	650
WESTPORT	WX 7000	Gail Whiteworth	427
WILEY V.A.	WX 5030	Manuel Joseph	223

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Vessels that May Fish

Outside Regulatory Area

<u>Name</u>	<u>Size</u>	
BLUE PACIFIC	(176.7 x 35.8)	Largest
CABRILLO		
CAROL VIRGINIA		
CHERYL MARIE	(175.6 x 37)	
CONNIE JEAN	(149.6 x 34)	
CONQUEST	(165.5 x 34)	
EASTERN PACIFIC		
GOLDEN PACIFIC		
J. M. MARTINAC		
KERRI M.	(175.6 x 37)	
MARIETTA		
MERMAID		
MISSOURI		
NEPTUNE		
PACIFIC QUEEN	(149.6 x 34)	
PACIFIC TRADEWINDS	(175.6 x 37)	
ROYAL PACIFIC	(131 x 32)	Smallest
UNITED STATES		
VIVIAN ANN	(144 x 33)	

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Contacts

COMWESTAREA RCC.415-556-5500
TUNAPAT PROJECT OFFICER415-556-7791
Bureau of Commercial Fisheries - San Pedro213-831-9575
<u>BCF Night Numbers.</u>	
Mr. Gerald V. Howard213-377-0262
Mr. Fred K. Cramer213-436-0896
Mr. William S. Leet213-831-4516
Mr. Frank Brandstetter (Acapulco)	40838
Mgr., Las Brisas Hotel	or 41657
Mr. Jose Salinas (Acapulco)	40838
Alternate	or 41657
Las Brisas Hotel	
Mr. Abraham Vigil (Mazatlan)	Mazatlan 2687
	or 2685

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