SUMMARY MINUTES

FIFTH PLENARY SESSION

(February 10, 1954 - 10:15 a.m.)
The Chairman convened the meeting at 10:15 a.m. and explained to the Commission that he wished to consider at this meeting the following items:

1. The adoption of minutes;

2. The request of the United States for a study of King crab stocks in the Bering Sea;

3. The list which the Japanese Delegation had submitted of items which it thought should be included in several reports;

4. Progress report from the Standing Committee on Biology and Research.

Turning to the first item, the Commission adopted the Draft Summary Minutes of the third Executive Session (Doc. ES/3) without change and adopted the Draft Summary Minutes of the fourth Executive Session (Doc. ES/4) subject to modification of the last sentence in the last paragraph on page 3 which it authorized the Chairman to make in conjunction with the Secretariat. The minutes of the Third Plenary Session (Doc. 14) were adopted with the substitution of the words "national sections" for the word "Parties", in the second and fifth lines of the section on page 2 dealing with Article III 1 (c) (i). Some discussion was had with regard to the Minutes of the Fourth Plenary Session (Doc. 16), the Japanese Delegation asking first if the text of the letter from the United States Government requesting a King crab study should be included in the minutes and secondly, if the letter had been delivered in conformity with the agreement previously reached in this regard.

The Chairman explained that he had considered it wise to include the letter in the minutes as a matter of convenience, if for no other reason. He explained also that the letter had been delivered to him by Mr. Herrington of the United States Delegation, and in accordance with the agreement recorded in the Minutes of the Third Plenary Session (Doc. 14, Page 2) which provided that such requests "might be delivered by the national sections".

The Japanese Delegation pointed out that it was not concerned with the substance of the letter but merely with the form of delivery, having in mind the fact that the way in which such letters were handled now might set a precedent for the future. It wished to be certain of the understanding on this matter.
The United States Delegation felt that in submitting the letter it had conformed to the understanding reached at the Third Plenary Session but was quite willing to change the procedure. After some further discussion, the Japanese and Canadian Delegations indicated that they felt the United States had conformed with the terms of the understanding, the Canadian Delegation suggesting that the wording in Document 14 might be clarified.

The Chairman suggested that it might be wiser to leave the wording as it stands, thus permitting some flexibility, and that if future events indicated a change it might be made at that time.

The United States Delegation agreed with this suggestion and took the opportunity to inform the Commission that, in the future, communications from the United States Government pursuant to Article III 1 (c) of the Convention would be submitted through the United States national section. The Japanese and the Canadian Delegations stated that they would follow the same procedure, and discussion of the matter ended, it being understood that no change would be made in the minutes and that the Commission would deal directly with the Contracting Parties on such matters as the budget.

Returning to the minutes, the United States Delegation requested that on the fourth line of page 4 the word "observe" be substituted for the words "take part" and the Minutes of the Fourth Plenary Session were adopted with this change.

The Commission then turned to the request of the United States Government for a study of the King crab stocks in the Bering Sea. The Chairman offered the following thoughts as his analysis of the Commission's functions with regard to such a request:

(A) It was the duty of the Commission to make the study requested;

(B) The request should be referred in the first instance to the Committee on Biology and Research for study of the matter and for arranging the pursuits of such a study;
(C) Upon the completion of the study or possibly before completion, the Standing Committee on Biology and Research might have suggestions for the Commission with regard to conservation measures;

(D) Such suggestions would come to the entire Commission for consideration;

(E) In the case of the King crab study, the two parties most concerned might, as a result of the study, decide to recommend certain conservation measures to their two governments;

(F) This Commission, unlike the International Pacific Salmon Fisheries Commission, has no regulatory power, but may merely recommend;

(G) The spirit, then, of Articles III and IV is study, and study is the primary requirement in a problem of this kind.

The Chairman then asked the opinions of the Commissioners, pointing out that what the Commission does now in dealing with this problem might set a precedent.

The United States Delegation agreed with the Chairman's analysis but wished to add that, while great emphasis is placed upon study, the Commission's responsibility does not end there. It should make recommendations to the Contracting Parties based on its studies.

The Japanese Delegation agreed in principal with the Chairman's analysis, feeling that it was the first duty of the Commission to study, in this case King crabs, and that if it reached the conclusion, after a thorough study, that conservation measures were necessary, it was the duty of the Commission so to recommend to the Contracting Parties. The Canadian Delegation was in complete agreement with the Chairman's analysis.

The Chairman then proposed that the United States Government's request be referred formally to the Standing Committee on Biology and Research, proper priority having been established.
The United States Delegation reminded the Commission that when it had first requested the study it stated that it would have a further supplementary statement to make, and asked if the Commission would be agreeable to hearing the statement. The Commission agreed, and Mr. Brooding of the United States made the following statement:

"In requesting that the Commission study the King crab stock of the Eastern Bering Sea for the purpose of determining the need for joint conservation methods, the United States section is motivated by the fact that this stock is under substantial exploitation and indications that the present yield may be near the maximum sustained level of production."

Dr. Walford of the United States Delegation then made the following statement:

"There are some indications of an historic personal use native fishery for King crabs, and there are records of sporadic attempts by American fishermen dating back as far as 1913, and some small scale canning operations in Western Alaska during the 1920's. For all practical purposes, however, operations of continuing commercial significance began with the entry of Japanese floating canneries into the fishery in 1932.

"In their first three years of operation (i.e. 1932 - 34) according to published reports these floaters took from 1.2 million to 2.8 million crabs. In the ensuing five years, 1935 through 1939, the level of fishing intensity was reduced, and the yield ranged, according to published reports, from 241,000 to 779,000 crabs. In 1940, an exceptionally extensive fishing effort yielded 6,600,000 crabs. All of the preceding operations, except for a very small scale American expedition in 1938, were Japanese.

"In 1948 commercial operations were resumed, this time by American fishermen, whose take for the years 1948 through 1952 ranged from 200,000 to 500,000 crabs."
"Japanese operations were resumed in this area in 1953 when the combined Japanese-United States catch was 1,600,000 crabs, of which the United States fishermen took approximately 400,000.

"While the United States Fish and Wildlife Service has conducted extensive exploratory fishing surveys and biological research during 1940, 1941, 1942, 1943 and 1953, we do not feel that sufficient data are yet available to permit forming a definitive opinion on the magnitude and productivity of crab populations. On the other hand, there are indications which tend to support the deep apprehension expressed by American operators and fishermen concerning the current level of exploitation.

"In order to establish a scientific basis for designing effective conservation measures, it would be desirable to begin a thorough study as soon as practicable to determine the identity of crab stocks, their total abundance, their rates of growth, mortality and recruitment; and the effects which fishing and environmental characteristics have on the productivity of the stocks.

"Meanwhile, despite the comparatively modest scope of United States exploitation, the United States Fish and Wildlife Service has in effect regulations designed to afford the king crab stocks reasonable protection.

"These regulations include a prohibition against taking soft-shelled crabs; a prohibition against the taking of any female crabs; a minimum size limit of 6 1/2" carapace width and the various gear limitations such as a minimum mesh size of 12 inches in the bag size of trawls.

"The past level of United States fishing effort has already been outlined. It is planned that the same level of fishing intensity will be maintained in 1954.

"Research plans for this year are not yet completed. However, two United States agencies, the Alaska Department of Fisheries and the Fish and Wildlife Service each have a biologist currently assigned to a study of crab problems."

The Japanese Delegation indicated that it also was carrying out certain conservation measures with regard to King crabs but wished to reserve a report on these measures for a meeting of the Committee on Biology and Research."
The Canadian Delegation desired to withhold comment on the statement of the United States Delegation until it had heard further from the Committee on Biology and Research.

The Japanese Delegation then moved that the matter be formally referred to the Standing Committee on Biology and Research for study, such study to be initiated during the present session of the Commission and to continue during the interval between meetings, the Committee reporting to the Commission at the next Annual Meeting of the Commission. The Canadian Delegation seconded this motion. The United States Delegation agreed, and the request of the United States Government for a study of the King crab stocks in the Bering Sea was thereupon referred to the Standing Committee on Biology and Research for study, the Committee to report to the Commission at the latter's next Annual Meeting.

In concluding discussion on this subject, the Chairman observed that this action of the Commission did not, of course, preclude discussion of the matter between the United States and Japanese Governments or between individuals, but that the Commission had gone as far as it might for the time being.

The Commission then turned its attention to the list which the Japanese Delegation had submitted of items it thought might be included in certain reports. The United States Delegation stated that it would of course provide as much of the information as was practicable, but that it wished to submit formally to the Commission a memorandum, previously circulated informally, which contained its understanding of the responsibilities of the United States with regard to the submission of such reports.

The Japanese Delegation explained that the list which it had submitted included items which the Japanese Delegation thought should be included in reports having regard to Article III in toto and Article X, 2, rather than merely to Article III, 2. The Japanese Delegation further explained that certain differences of opinion, with regard to the content of the memorandum informally circulated by the United States Delegation, existed and that it might be desirable to delay formal submission of this memorandum until the three Delegations had discussed the matter further on an informal basis.
The other Delegations agreed with this procedure, and discussion on this subject was concluded, the Commission understanding that Messrs. Brooding, Cameron, Fujita and Needler would confer informally during the afternoon, and that the matter would be brought before a later Plenary Session.

The meeting adjourned at 12:30 p.m. to convene again at 2:00 p.m. to hear the progress report from the Standing Committee on Biology and Research.

***