

U.S. Department  
of Transportation  
**United States  
Coast Guard**



Commandant  
United States Coast Guard

Washington, D.C. 20593-0001  
Staff Symbol:  
Phone:

DEPARTMENT OF TRANSPORTATION

U. S. COAST GUARD

STATEMENT OF CAPTAIN LEO N. SCHOWENGERDT, JR.

FIELD HEARING ON NATIONAL OCEAN AND COASTAL POLICY

HOUSE OF REPRESENTATIVES

COMMITTEE ON MERCHANT MARINE AND FISHERIES

HONOLULU, HAWAII

8 JANUARY 1990

BIOGRAPHICAL STATEMENT

CAPTAIN LEO N. SCHOWENGERDT, USCG

CAPT SCHOWENGERDT is Chief of Staff to Commander Coast Guard Pacific Area and Commander U.S. Maritime Defense Zone Pacific with headquarters at Coast Guard Island, Alameda, California.

A 1960 graduate of the Coast Guard Academy (B.S. General Engineering), CAPTAIN SCHOWENGERDT also earned a Master of Public Administration Degree from The George Washington University in 1971.

He has served in a broad variety of assignments, including:

- 1987-88 - Chief of Operations, Pacific Area, responsible for coordinating all Coast Guard operational matters throughout the Pacific Basin, including fisheries and narcotics law enforcement.
- 1985-87 - Commanding Officer, U.S. Coast Guard Cutter BOUTWELL, Seattle, Washington, deploying on fisheries and other patrols in the Pacific.
- 1983-85 - First Director of the Vice President's National Narcotics Border Interdiction System (NNBIS) under then Vice President Bush in Washington, D.C., responsible for coordinating the national, interagency effort in interdicting drugs at our borders.
- 1979-83 - Chief, Operational Law Enforcement Division, Coast Guard Headquarters, Washington, D.C., responsible for the coordination and development of all Coast Guard Law Enforcement programs and management of the large cutter fleet.
- 1977-79 - Commanding Officer, U.S. Coast Guard Cutter DUANE, Portland, Maine, deploying on fisheries and other patrols in the Atlantic.
- 1974-77 - Fisheries Officer and USCG Liaison Officer, U.S. Department of State, Office of Oceans and Fisheries Affairs, Washington, D.C., responsible for the law enforcement elements of international fisheries agreements, administration of the foreign fishing vessel licensing program, development of foreign fishing vessel regulations.
- 1960-74 -- Various Coast Guard Assignments, ashore and afloat -Coast Guard Cutters MINNETONKA, CAPE HIGCON, WACHUSETT and YOCORA; LORAN Station Hawaii, Atlantic Area Staff and CG Headquarters Staff.

CAPTAIN SCHOWENGERDT has earned the Legion of Merit (two awards), the Meritorious Service Medal, Coast Guard Commendation Medal (two awards), the Coast Guard Achievement Medal and the Commandant's Letter of Commendation Ribbon.

He is married to the former Jane Elisabeth Chapman, a free lance writer. They have two sons and a daughter.

TESTIMONY OF  
CAPTAIN LEO N. SCHOWENGERDT, JR., USCG  
BEFORE THE  
HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES  
FIELD HEARING ON NATIONAL OCEAN AND COASTAL POLICY --  
-- HAWAII AND THE PACIFIC ISLAND STATES  
HONOLULU, HAWAII  
8 JANUARY 1990

GOOD MORNING, MR. CHAIRMAN. I AM CAPTAIN LEO. N. SCHOWENGERDT, JR., CHIEF OF STAFF TO THE COMMANDER, PACIFIC AREA, U. S. COAST GUARD. I AM PLEASED TO APPEAR BEFORE YOU THIS MORNING TO REPRESENT THE COMMANDANT AND VADM CLYDE E. ROBBINS, COMMANDER, PACIFIC AREA, AND TO PRESENT TESTIMONY CONCERNING FISHERIES LAW ENFORCEMENT BY THE COAST GUARD IN THE PACIFIC BASIN. ADMIRAL ROBBINS SENDS HIS APOLOGIES FOR NOT BEING HERE HIMSELF, BUT HE HAD TO BE WITH THE SECRETARY IN SAN FRANCISCO TODAY. AT THE CONCLUSION OF MY PREPARED STATEMENT I WILL BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE REGARDING THE COAST GUARD'S ACTIVITIES IN THIS AREA.

MR. CHAIRMAN, AS YOU KNOW, THE COAST GUARD IS OUR NATION'S PRIMARY LAW ENFORCEMENT AGENCY FOR ALL FEDERAL LAW IN THE MARITIME ENVIRONMENT. AS SUCH WE SHARE THE RESPONSIBILITY FOR

THE ENFORCEMENT OF FISHERIES REGULATIONS UNDER THE MAGNUSON FISHERIES CONSERVATION AND MANAGEMENT ACT WITH THE NATIONAL OCEANOGRAPHIC AND ATMOSPHERIC ADMINISTRATION (NOAA). TOGETHER, THE COAST GUARD AND NOAA WORK WITH THE REGIONAL FISHERIES MANAGEMENT COUNCILS TO DEVELOP REGULATIONS FOR THE EFFECTIVE MANAGEMENT OF THE FISHERIES THAT WILL ACCOMPLISH THE COUNCILS' GOALS AND BE CAPABLE OF EFFICIENT AND EFFECTIVE ENFORCEMENT.

WITHIN THE U. S. EXCLUSIVE ECONOMIC ZONE (EEZ), I BELIEVE THE COUNCILS HAVE BEEN ABLE TO ACHIEVE REMARKABLY WELL THE PRIMARY GOALS OF THE ACT, SINCE ITS ORIGINAL PASSAGE IN 1976. MOST OF THE FISHERIES IN THE EEZ ARE NOW ALMOST EXCLUSIVELY UTILIZED BY AMERICAN DOMESTIC FISHERMEN. WE HAVE SEEN A MAJOR REBIRTH OF THE AMERICAN FISHING INDUSTRY. THE THREE MANAGEMENT REGIONS OF THE PACIFIC ACCOUNT FOR OVER HALF OF ALL FISH CAUGHT IN THE UNITED STATES.

THIS MULTI-BILLION DOLLAR INDUSTRY IS VITAL TO THE ECONOMIES OF ALL THE STATES BORDERING THE PACIFIC. REVENUES DERIVED FROM FISHING ARE NOT SOLELY ATTRIBUTABLE TO COMMERCIAL CATCHING AND PROCESSING. SPORT FISHING RESULTS IN MILLIONS OF DOLLARS IN TOURISM REVENUE WHICH IS NOT REFLECTED IN STATISTICS WHICH DEAL ONLY WITH THE EX-VESSEL VALUE OF THE CATCH. A LARGE PORTION OF THE FISH CAUGHT IN THE PACIFIC IS EXPORTED, PARTICULARLY TO JAPAN. THIS INDUSTRY MAKES A MAJOR CONTRIBUTION TOWARDS IMPROVING OUR TRADE DEFICIT.

ALONG THE WAY, WE HAVE LEARNED A GREAT DEAL MORE ABOUT THE FISH STOCKS OFF OUR COASTS AND THE STOCKS THAT OCCUPY AREAS BOTH WITHIN AND WITHOUT OUR EEZ. WE HAVE ALSO LEARNED A LOT ABOUT WHAT WORKS AND WHAT DOESN'T IN FISHERIES MANAGEMENT AND, ESPECIALLY, IN FISHERIES ENFORCEMENT. WE HAVE CONTINUED TO HAVE PROBLEMS WITH MANAGEMENT AND ENFORCEMENT ON SALMON BEYOND OUR EEZ. AND, WE HAVE ENCOUNTERED NEW PROBLEMS WITH MANAGEMENT OF GROUND FISH STOCKS BEYOND THE EEZ. A NEW TERM HAS COME INTO USE TO DESCRIBE THOSE STOCKS THAT INHABIT BOTH THE EEZ AND THE ADJACENT HIGH SEAS: "STRADDLING STOCKS."

A GOOD EXAMPLE OF THE STRADDLING STOCKS ISSUE IS IN THE BERING SEA "DONUT HOLE," -- THAT AREA OF HIGH SEAS THAT LIES BEYOND AND BETWEEN THE EEZ'S OF THE U.S. AND THE USSR IN THE BERING SEA. IT IS ESTIMATED THAT OVER ONE MILLION METRIC TONS PER YEAR, LARGELY OF POLLACK, IS BEING TAKEN FROM THAT AREA NOW, AND ALTHOUGH THE RELATIONSHIPS BETWEEN THOSE STOCKS AND THE STOCKS WITHIN THE EEZ ARE NOT ENTIRELY CLEAR, OVER FISHING MAY CERTAINLY HAVE ADVERSE IMPACTS ON THE STOCKS WITHIN THE EEZ. THE PROBLEM HAS ESSENTIALLY BEEN CREATED BY THE EXCLUSION OF FOREIGN DISTANT WATER FLEETS FROM THE EEZ, PUSHING THEM INTO THAT SMALL ENCLAVE OF HIGH SEAS. THE DECISION TO EXCLUDE THE FOREIGN FLEETS RESULTS FROM THE INCREASED ABILITY OF AMERICAN FISHERMEN TO TAKE MOST OR ALL OF THE ALLOWABLE CATCH, THEREBY REDUCING OR ELIMINATING THE ALLOCATION FOR FOREIGN FLEETS. UNFORTUNATELY, BY EXCLUDING THE FOREIGN FLEETS FROM THE EEZ WE HAVE LOST A GREAT DEAL OF CONTROL OVER THEIR ACTIVITIES OUTSIDE OF THE EEZ. A REGIONAL MANAGEMENT

REGIME FOR THE "DONUT HOLE" AREA, WITH EFFECTIVE PROVISIONS FOR ENFORCEMENT, MUST BE FOUND SOON. RECENT SESSIONS OF THE US/USSR INTERGOVERNMENTAL CONSULTATIVE COMMITTEE ON FISHERIES HAVE TAKEN STEPS TO REALIZE THIS OBJECTIVE.

A SIMILAR MANAGEMENT PROBLEM EXISTS IN THE BROAD HIGH SEAS AREAS OF THE PACIFIC WHERE LARGE SCALE (LEGAL AND ILLEGAL) DRIFTNETTING IS CONDUCTED. THE LEGAL DRIFTNET FISHERIES TARGETS PRIMARILY SQUID AND TUNA STOCKS, BUT INCIDENTALLY TAKES LARGE AMOUNTS OF OTHER FISH, BIRDS AND MARINE MAMMALS. THE ILLEGAL DRIFTNETTING WHICH HAS BEEN DOCUMENTED OVER THE PAST THREE YEARS, TARGETS ON SALMON AND STEELHEAD STOCKS IN CLOSED FISHING AREAS, WELL NORTH OF THE LEGAL FISHING AREAS. THE EXTENT OF INCIDENTAL TAKES OF BIRDS AND MARINE MAMMALS IN THE ILLEGAL FISHERIES IS UNKNOWN BUT SHOULD BE SUBSTANTIAL. IN ORDER TO PROTECT U.S. SALMON IN THE SQUID DRIFTNETTING AREAS, IT IS ESSENTIAL FOR THE COAST GUARD TO BE ABLE TO STOP, BOARD AND INSPECT FOREIGN FISHING VESSELS USING GEAR THAT IS CAPABLE OF TAKING SALMON IN THOSE AREAS KNOWN TO BE INHABITED BY SALMON OF U.S. ORIGIN. PURSUANT TO THE CONDITIONS SPECIFIED IN AGREEMENTS WITH JAPAN, TAIWAN, AND KOREA, THE COAST GUARD HAS THE AUTHORITY TO BOARD VESSELS FROM THESE NATIONS TO VERIFY THEIR ACTIVITIES. THIS ALLOWS US TO BETTER RESTRICT DRIFTNETTING IN AREAS WHERE OUR SALMON OCCUR. ADDITIONALLY, THESE AGREEMENTS REQUIRE THE FLAG STATE TO PERFORM ENFORCEMENT AND TO ACT RESPONSIBLY TO CONTROL THE ACTIONS OF THEIR FISHING FLEETS. THESE MEASURES ARE A GOOD FIRST STEP ON THE ROAD TO RESOLVE THE PROBLEMS OF LARGE-SCALE DRIFTNET FISHING IN THE NORTH

PACIFIC OCEAN, AND ARE IN KEEPING WITH A RECENTLY ADOPTED UNITED NATIONS RESOLUTION ON THE TOPIC OF DRIFTNET FISHING.

THE PENDING REAUTHORIZATION OF THE MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT WOULD, AMONG OTHER THINGS, MAKE HIGHLY MIGRATORY SPECIES -- TUNA -- SUBJECT TO THE PROVISIONS OF THE ACT FOR THE FIRST TIME. IF THIS PASSES AND THE COUNCILS PRODUCE FISHERY MANAGEMENT PLANS TO REGULATE TUNA IN THE WESTERN PACIFIC, IT WILL PLACE INCREASED DEMANDS ON THE COAST GUARD FOR FISHERIES ENFORCEMENT PATROLS IN AREAS THAT WE DO NOT NOW ROUTINELY PATROL. IT WILL ALSO BROADEN THE DRIFTNETTING ISSUE SOMEWHAT SINCE THAT METHOD IS USED TO TARGET TUNAS IN THE WESTERN PACIFIC.

ADMIRAL ROBBINS HAS REAFFIRMED THE HIGH PRIORITY OF THE FISHERIES LAW ENFORCEMENT MISSION IN THE PACIFIC AND HIS FIRM COMMITMENT TO ITS EFFECTIVE ACCOMPLISHMENT. FISHERIES ARE OUR NUMBER ONE PRIORITY IN THE PACIFIC.

THE VAST OCEAN AREAS OF THE BERING SEA, ALEUTIAN ISLANDS, WESTERN PACIFIC ISLANDS AND THE AREA FREQUENTED BY THE DRIFT GILLNET FLEET MIDWAY BETWEEN HAWAII AND ALASKA REQUIRE PATROL RESOURCES CAPABLE OF LONG-RANGE, SUSTAINED OPERATIONS WITH MINIMAL SUPPORT. THE 378 FOOT HIGH ENDURANCE CUTTER HAS SHOWN ITSELF TO BE IDEALLY SUITED FOR THESE MISSIONS. ITS LONG RANGE, HIGH SPEED AND MULTI-MISSION CAPABILITIES CANNOT BE DUPLICATED BY ANY OTHER EXISTING RESOURCE IN THE COAST GUARD INVENTORY.

FISHERY PATROLS IN THE PACIFIC, EVEN IN THE ABSENCE OF OTHER DEMONSTRATED LAW ENFORCEMENT THREATS, CANNOT BE VIEWED AS SINGLE MISSION OPERATIONS. THE ENVIRONMENT IN WHICH COMMERCIAL FISHING TAKES PLACE IS HARSH AND SUBJECT TO RADICAL WEATHER CHANGES WITH LITTLE ADVANCE NOTICE. THIS RESULTS IN FREQUENT SEARCH AND RESCUE CASES, GROUNDINGS, AND OIL POLLUTION. THE 378-FOOT CUTTER IS CAPABLE OF RESPONDING QUICKLY TO ANY OF THESE SITUATIONS AND, EVEN MORE IMPORTANTLY, PROVIDING IMMEDIATE ASSISTANCE WITH EMBARKED PERSONNEL AND EQUIPMENT.

FISHERIES OFF THE WEST COAST OF THE CONTINENTAL UNITED STATES CAN NORMALLY BE PATROLLED WITH MEDIUM ENDURANCE CUTTERS AND THE NEW 110 FOOT PATROL CUTTERS. ADEQUATE ASSETS PRESENTLY EXIST IN THE PACIFIC AREA TO MAINTAIN DESIRED PATROL LEVELS FOR THIS AREA.

THE HC-130 HERCULES CONTINUES TO BE A CAPABLE AND RELIABLE RESOURCE. BEFORE THE EMERGENCE OF THE BERING SEA DONUT AND THE HIGH SEAS DRIFTNET PROBLEMS, ADEQUATE HC-130 RESOURCES EXISTED TO PERFORM ALL OF OUR FISHERIES MISSIONS.

IN 1989 WE DEVOTED AS MANY RESOURCES AS POSSIBLE TO FISHERIES. IN ALASKA THE NUMBER OF PATROL DAYS FOR HIGH AND MEDIUM ENDURANCE CUTTERS HAS BEEN INCREASED FROM 454 DAYS IN 1986 TO 588 DAYS IN 1989. IN 1990 WE PLAN TO DEVOTE 799 HIGH AND MEDIUM ENDURANCE CUTTER PATROL DAYS TO THIS AREA.

HC-130 AIRCRAFT HOURS IN ALASKA HAVE INCREASED FROM 818 HOURS IN 1986 TO 2635 HOURS IN 1989. A LARGE PART OF THIS INCREASE WAS IN RESPONSE TO THE HIGH SEAS DRIFTNET PROBLEM. IN ORDER TO ACHIEVE THIS LEVEL WE DEPLOYED AIRCRAFT FROM OUR AIR STATION IN SACRAMENTO, CALIFORNIA TO ADAK, ALASKA.

THIS EFFORT HAS MET WITH SOME SUCCESS. IN 1989 FOUR VESSELS WERE SEIZED FOR FISHING WITHOUT A PERMIT AFTER ENTERING THE U.S. EEZ FROM THE DONUT HOLE AREA OF THE BERING SEA. PATROLS OF THE HIGH SEAS DRIFTNET AREA RESULTED IN THREE MAJOR INCIDENTS INVOLVING TAIWANESE DRIFTNET VESSELS ILLEGALLY CATCHING OR TRANSFERRING SALMON. THESE INCIDENTS CONTRIBUTED TO THE RECENT CONCLUSION OF BILATERAL AGREEMENTS BETWEEN THE UNITED STATES AND THE DISTANT WATER DRIFTNETTING NATIONS.

IN 1990 WE HOPE TO DEVOTE 642 CUTTER PATROL DAYS TO THE WATERS OFF WASHINGTON, OREGON AND CALIFORNIA. RECENT COMPLAINTS BY U.S. FISHERMEN INDICATE A NEW THREAT FROM TAIWANESE AND KOREAN DRIFTNET VESSELS OPERATING FAR OFF THE WEST COAST OF THE UNITED STATES TARGETING ALBACORE. THIS AREA IS OUTSIDE PREVIOUS COAST GUARD PATROL AREAS BUT WE HAVE ALREADY REASSIGNED PATROLLING CUTTERS TO INVESTIGATE THESE CLAIMS.

THE WESTERN PACIFIC REGION HAS BEEN HARDEST HIT BY RECENT CUTBACKS OF AVAILABLE CUTTERS DUE TO OUR ONGOING 378-FOOT CUTTER FLEET REHABILITATION AND MODERNIZATION PROGRAM AND THE EXXON VALDEZ DISASTER. THE ONLY SCHEDULED PATROL OF THESE WATERS IN

1989 WAS CUT SHORT WHEN THE CUTTER WAS DIVERTED TO ALASKA FOLLOWING THE VALDEZ OIL SPILL.

MR. CHAIRMAN, YOU ASKED THAT I COMMENT ALSO ON THE IMPACT WITHIN THE WESTERN PACIFIC REGION OF THE EXTENSION OF THE U.S. TERRITORIAL SEA FROM THREE TO TWELVE MILES. AS YOU KNOW, MANY OF THE LAWS THAT APPLY WITHIN THE TERRITORIAL SEA WERE WRITTEN SUCH THAT THEY ARE NOT AUTOMATICALLY APPLICABLE IN THE EXTENDED AREA. IN MANY CASES, LEGISLATION WILL BE REQUIRED TO CLEAR UP THE AMBIGUITIES. WITH RESPECT TO FISHERIES, THERE ARE SEVERAL ISSUES THAT MAY ARISE. THESE COULD IMPACT JOINT VENTURE OPERATIONS WITHIN THE EXPANDED AREA, STATE/FEDERAL MANAGEMENT RESPONSIBILITIES AND ENFORCEMENT AUTHORITIES. THE CONTROLLING ISSUE HERE WOULD REVOLVE AROUND THE DEFINITION OF THE INNER BOUNDARY OF THE U.S. FISHERY CONSERVATION ZONE (FCZ). IN OUR VIEW, THE INNER BOUNDARY OF THE FCZ SHOULD NOT BE REDEFINED TO EXTEND STATE WATERS OUT TO TWELVE MILES (FROM THREE), BECAUSE IT WOULD DRAW STATE LAW ENFORCEMENT RESOURCES AWAY FROM THE AREAS WHERE THEY ARE MOST EFFECTIVE.

MR. CHAIRMAN, THAT CONCLUDES MY PREPARED TESTIMONY. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE.