



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

Honorable John M. Murphy  
Chairman  
Committee on Merchant Marine  
and Fisheries  
House of Representatives  
Washington, D.C. 20515

NOV 9 - 1979

Dear Mr. Chairman:

Thank you for the opportunity to respond to the concerns raised in your letter of August 27, 1979, regarding the applicability of the Fishery Conservation and Management Act (FCMA) to the Northern Mariana Islands. Thank you also for forwarding a copy of Governor Carlos S. Camacho's letter of July 25, 1979, on this subject. I regret the delay in responding to your letter.

As you may be aware, the U.S. Government is now the defendant in three suits filed against it in the District Court of the Northern Marianas on this subject. The plaintiffs, one of which is the Government of the Northern Mariana Islands, are contending that the FCMA is not applicable to the Northern Marianas, and are seeking a declaratory judgement to that effect. The U.S. Government is of the position, however, that the FCMA is applicable to the Northern Marianas, and that it has been since January 9, 1978, the effective date of the pertinent section of the Northern Marianas Covenant (section 502(a)(2), P.L. 94-241).

The fisheries controversy arose when the M/V OLVOL, a 26-ton Japanese-built fishing vessel, was engaged in fishing activities in the waters surrounding the Northern Marianas without being documented as a vessel of the United States, a violation of the FCMA.

The M/V OLVOL was acquired from Japan for Trust Territory war reparation under the terms of the April 18, 1969, Agreement between the U.S. Government and the Government of Japan. The M/V OLVOL is currently owned by the Government of the Trust Territory of the Pacific Islands which has given custodial responsibility to the Government of the Northern Mariana Islands.

We in the Department of the Interior believe it is inequitable for the people of the Northern Marianas to have a fishing vessel made available to them for damages incurred during World War II which is restricted from fishing in their waters.

cc: Mr. Jeffrey Farrow, Domestic Policy Staff, The White House

In that regard we are working with the various concerned Federal agencies to overcome the vessel documentation and registration problems that gave rise to the controversy in the first place. As you are probably aware, the U.S. Pacific territories of Guam and American Samoa have similar problems with the vessel documentation laws and, therefore, we are considering the possibility of proposing legislation which would suspend the applicability of certain provisions of these laws to American Samoa, Guam, and the Northern Mariana Islands.

Your interest in the Northern Mariana Islands is appreciated.

Sincerely,

~~(Sgd)~~ James A. Joseph

JAMES A. JOSEPH  
UNDER SECRETARY

Enclosure