



DEPARTMENT OF THE INTERIOR

INFORMATION SERVICE

OFFICE OF THE COORDINATOR OF FISHERIES

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Insuring enough canned sardines for military, Lend-Lease, and civilian requirements and increased quantities of sardine meal and oil, the U. S. Government yesterday assumed complete control over the catching and delivery of pilchards, or California sardines, on the West Coast of the United States for the duration of the war.

The order for the control of the billion-pound pilchard fishery was signed by Secretary of the Interior Harold L. Ickes and will be administered by him as Coordinator of Fisheries.

General supervision over the pilchard program will be exercised by O. E. Sette, area coordinator in charge of wartime fishery problems in Area 2, comprising the State of California. Mr. Sette, a widely known biologist with 20 years' experience in fishery investigations, has devoted the past five years to a study of the pilchard fishery for the Federal Government. Announcement of the appointment of a local administrator of fishery production to assume immediate direction of the production plan is expected to follow in a few days.

Details of the plan for regulating fishing activity and distribution of the catch were worked out by the Office of the Coordinator of Fisheries in consultation with representative fishermen, plant operators, and state conservation officials.

Authority over the production of fishery commodities was conferred on the Coordinator of Fisheries by Food Directive No. 2, issued February 8, 1943 and amended March 16, 1943, pursuant to Executive Order No. 9280 of December 8, 1942.

Since December 7, 1941, the pilchard fishery has operated under severe handicaps, with many of its more efficient boats requisitioned for military use, its fishing crews depleted, and its activities hampered by restrictions imposed on the movements of fishing vessels in the interest of national security.

Last year the pilchard catch in California, where about 95 per cent of the landings are made, was 962,306,000 pounds, a reduction of 23 per cent compared with the previous year's catch. The pack of sardines declined from 5,255,288 cases in 1941 to 3,790,327 cases in 1942, while the California industry's production of oil was reduced by 5 million gallons and its output of meal declined by nearly 21,000 tons.

Because of the enormous poundage involved, the need of canned sardines for shipments to the Army, Navy, and allied nations, as well as for home consumption,

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and the critical importance of fish meal and oil for livestock and poultry feeding, the success of this year's fishing operations is regarded as highly important.

The "Coordinated Pilchard Production Plan" established by the Coordinator's order today, is designed to increase the yield of pilchards by placing the available boats and men in waters where the most fish can be caught and directing the flow of raw fish to the plants that are ready to handle them.

With respect to seasons and fishing areas, the industry will continue to operate under the general provisions of the state laws. The Coordinator of Fisheries and his designated representatives will be concerned largely with the distribution of fishing vessels among ports, the delivery of the catch to canneries and reduction plants, and with determining how much of the yield should be canned and how much should be processed as meal and oil. Normally about a quarter of the catch is canned as the familiar California sardine and the balance is processed.

During the 1943 season, which begins August 1 at San Francisco and Monterey and October 1 at San Pedro and San Diego, all pilchard vessels will fish under permits issued by the Coordinator of Fisheries or his local representatives. Fishermen who have not already received applications through the mail should request them from the office of the Area Coordinator of Fisheries, 155 Montgomery Street, 901 Alexander Building, San Francisco 4, California. In order to insure assignment to the port for which preference is indicated, applications should be filed with the Area Coordinator's office within the next ten days. For vessels built or acquired for pilchard fishing during the season, applications must be filed ten days before fishing is contemplated.

The order applies to all vessels of 20 net tons or over which have fished for pilchards at any time subsequent to May 31, 1940. Permits must be obtained for the operation of all such vessels for the catching of pilchards or any other fish.

Permits will be granted on the basis of military needs and essential civilian requirements for canned sardines and sardine meal and oil, the necessity of maintaining an even flow of pilchards to canneries and reduction plants, and the condition of fishing in the waters adjacent to each port.

As nearly as possible, boats will be assigned to their regular home ports. When the abundance of fish or the needs of the shore plants require an adjustment of the number of vessels fishing from any port, the Government will invite voluntary applications to deliver fish at the port where additional boats are needed, or if necessary will make a selection by lot from boats not regularly assigned to a home port.

To assure an even flow of raw materials to the plants, deliveries of fish will be directed by dispatchers which the Coordinator of Fisheries will assign to each of the principal ports.

Order No. 1838 supersedes Order M-206 of the War Production Board under which the pilchard fishery operated last season. While the aims of the two orders -- increased production of pilchards, more sardines, more oil and meal -- are identical, the Coordinator of Fisheries' order provides a more flexible instrument for attaining these ends.

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TITLE 50 -- WILDLIFE

Chapter IV -- Office of the Coordinator of Fisheries

[Order No. 1838]

Part 401 -- Production of Fishery Commodities or Products

Section 401.2 -- COORDINATED PILCHARD PRODUCTION PLAN

By virtue of the authority conferred upon me by Food Directive No. 2 of February 8, 1943 (8 F.R. 1777), as amended on March 16, 1943 (8 F.R. 3280), issued pursuant to Executive Order No. 9280 of December 8, 1942 (7 F.R. 10179), and in order to facilitate the production of an adequate supply of pilchards to meet war and essential civilian needs with a minimum utilization of critical material, manpower and fishing vessels, it is hereby ordered as follows:

(a) Jurisdiction. Complete control and authority over the catching and delivery of pilchards on the West Coast of the United States solely for the purposes herein specified shall be vested in the Fishery Coordinator, and subject to his supervision and direction shall be administered by the Office of Fishery Coordination.

(b) Statement of policy. Shrinkage of the fishing fleet through military requisition, restriction on the movements of fishing vessels imposed by security requirements; limitations of manpower, and other war connected stringencies, coupled with increased National requirements for proteins and fats, have created a condition calling for Government supervision to insure the maximum effectiveness of existing fishing and processing facilities for the production of pilchard products. It is the purpose and intent of the Fishery Coordinator in administering and enforcing the provisions of this order to restore as nearly as possible a normal flow of raw material and as continuous an operation at processing plants as possible and to insure the production of the quantities of each category of finished products required for the maintenance of the Nation's war economy with the least possible interference with the freedom of activity of persons in the pilchard fishery and the pilchard processing industry. In the interest of effective mobilization of material resources necessary to the successful prosecution of the war, it is expected that persons affected by this order will cooperate with the United States Government in the attainment of the objectives which prompt the issuance of this order.

(c) Definitions. For the purpose of this order:

(1) "Person" means any individual, partnership, association, corporation, or any other business entity.

(2) "Pilchard" means raw, unprocessed pilchard (Sardinia caerulea), by whatever name known, including sardines.

(3) "Delivery" means the transfer of pilchards to a processing plant, for canning or reduction, to a transporting facility, or to a place of storage, whether or not the same person owns or controls the vessel from which it is transferred, the plant, or the fish.

(4) "Port" means a single harbor or group of contiguous or nearly contiguous harbors at which pilchards are landed. For the purpose of this order San Pedro shall mean the ports of San Pedro, Wilmington and Long Beach. Monterey shall mean the ports of Monterey and Moss Landing. San Francisco shall mean the harbors on San Francisco Bay, and the tributaries thereof. Ports may be added or regrouped in the discretion of the Fishery Coordinator, or his representative.

(5) "Registration port" means the port where the permanent document of the vessel issues.

(6) "Home port" means the port at which the Captain and the operating owner or holder of the charter of the vessel have had residence for a substantial portion of the period since June 1, 1940, and from which they have practiced pilchard fishing operations during at least half of the time in all seasons of active fishing since June 1, 1940; or, in case these criteria are conflicting, the port designated by the Fishery Coordinator, or his representative, as the home port of the vessel.

(7) "Fishing port" means a port from which the vessel operates for the purpose of pilchard fishing.

(8) "Fishery Coordinator" means the Secretary of the Interior.

(9) "Representative" means any person or persons duly designated by the Fishery Coordinator to perform any of the functions authorized by this order.

(d) Catching or delivering pilchards without a permit prohibited. No person owning or controlling a vessel of 20 net tons or over shall fish for and deliver pilchards to any cannery, reduction plant, or other establishment at any port on the Pacific Coast of the United States, except as otherwise provided in paragraph (m) below, unless expressly authorized by a permit issued by the Fishery Coordinator, or his representative.

(e) Clearance of pilchard vessels from ports without a permit prohibited.

(1) No vessel of 20 net tons or over which at any time subsequent to May 31, 1940, was used in fishing for pilchards or which first engages in fishing for pilchards in 1943 shall be cleared from any port on the Pacific Coast of the United States for the purpose of catching pilchards or any other fish or return to any port for delivering such fish except in accordance with the terms of a permit issued by the Fishery Coordinator, or his representative, to the person owning or controlling the vessel; but this provision shall not apply in any

case where there has been an emergency modification of the permit as provided in paragraph (m) below.

(2) Clearance from a port will not be permitted unless the Captain of the vessel shall have in his possession a permit issued by the Fishery Coordinator, or his representative.

(f) Terms and conditions of permits.

(1) Any permit to fish for and deliver pilchards which is issued by the Fishery Coordinator, or his representative, may provide specifically the period for which it is issued; the port or ports from which clearance is authorized; and such other reasonable terms and conditions as may be deemed necessary to accomplish the purpose of this order.

(2) Permits may be amended at any time or new permits issued when deemed necessary by the Fishery Coordinator, or his representative, to provide an adequate number of fishing vessels at any given port and to assure an even flow of pilchards to canning or reduction plants in order to facilitate the maximum production of sardine products commensurate with available manpower and plant facilities.

(3) The terms of a permit may be modified by the Fishery Coordinator, or his representative, on request of the holder of such permit when conditions are shown to exist which warrant such modification.

(g) Applications for permits. Applications for permits to fish for and deliver pilchards shall be filed with the Fishery Coordinator, or his representative, not later than 10 days after the effective date of this order for the fishing season of 1943-1944 and not later than June 1 of each year thereafter, except for vessels built or acquired for pilchard fishing during the course of the season, in which case applications shall be filed not less than 10 days prior to the time fishing for pilchards is contemplated. Applications shall contain the following information:

(1) The name of the vessel, the registration port and number, the state license number, if any, the names of the owner and operating owner or holder of the charter, and the Captain.

(2) The permanent residence or place of business of the owner, of the operating owner or holder of the charter, and of the Captain during the period since June 1, 1940.

(3) The fishing ports of the operating owner or holder of the charter, and of the Captain during the period since June 1, 1940.

(4) The home port.

(5) The fishing port or ports from which a permit to fish is desired and the period of time during which fishing operations are to be conducted at each of the fishing ports.

(6) Any other information deemed necessary by the Fishery Coordinator, or his representative, to accomplish the purpose of this order, including the submission of copies of contracts bearing on the determination of the home port or of the fishing ports or affecting the delivery of pilchards.

(h) Action on applications.

(1) The Fishery Coordinator, or his representative, shall consider each application on the basis of (a) military and essential civilian requirements for canned sardines, sardines, sardine meal and oil; (b) the necessity of maintaining an even flow of pilchards to available canneries or reduction plants; and (c) the condition of fishing in the waters adjacent to each port.

(2) In granting permits based upon applications filed therefor, preference shall be given to applicants desiring to fish for and deliver pilchard at home ports. So far as possible, assignment of vessels to fishing ports other than the home port, when deemed necessary to secure the maximum production of pilchards, will be given to persons applying for permits to fish for and deliver pilchards away from the home port.

(3) Permits may be granted on applications filed after the dates specified in paragraph (g) hereof but the rules stated in sub-paragraph 2 above as to the preferential assignment of fishing ports shall not apply to such late applications.

(i) Deliveries to particular persons. The Fishery Coordinator, or his representative, may direct the delivery of pilchards to particular persons whenever deemed necessary to promote an even flow of material to canning or reduction plants or to assure the maximum production of sardine products commensurate with available manpower and plant facilities. The delivery of fish or the receiving of fish in violation of direction shall be a violation of this order.

(j) Designation of particular uses. The Fishery Coordinator, or his representative, may direct or prohibit the use of pilchards for canning or for reduction into meal and oil or may direct the use of any specified percentage for each particular purpose when deemed necessary in order to meet the requirement for military and essential civilian supply.

(k) Agreements to limit production prohibited. No contract or agreement, written or verbal, shall be entered into or carried out and no action shall be taken which directly or indirectly operates to limit the amount of pilchards which may be caught or delivered by any fishing vessel or the frequency with which any pilchard fishing vessel shall leave port for or return from the fishing grounds except as may be ordered by the Fishery Coordinator, or his representative.

(l) Records and reports.

(1) All persons engaged in processing pilchards and who are affected by this order shall keep and preserve, for not less than two years, accurate

records concerning purchases and production of pilchards and pilchard products, and such other material information as may be required by the Fishery Coordinator, or his representative.

(2) All records required to be kept by this order or by any order of the Fishery Coordinator, or his representative, shall be made available for inspection and audit by the Fishery Coordinator, or his representative, upon request.

(3) The Fishery Coordinator, or his representative, may require from persons affected by this order periodic reports with respect to amounts of pilchards received, production capacity, quantities of each product produced, and such other material information as may be deemed necessary by the Fishery Coordinator, or his representative, for effectuation of the purposes of this order. These record keeping requirements have been approved by the Bureau of the Budget and specific recording and reporting requirements subsequently prescribed will be subject to the approval of the Bureau of the Budget, all pursuant to the Federal Reports Act of 1942.

(m) Emergencies.

(1) In unusual circumstances, when deemed necessary to meet the exigencies of the occasion, the Fishery Coordinator, or his representative, may, verbally or by radio telephone, modify the terms of a permit, subject to confirmation in writing within a reasonable period of time thereafter.

(2) Modification of the terms of a permit may include assigning fishing vessels to ports other than those specifically authorized in the permit.

Orders and directions; Deputy Fishery Coordinator. The Fishery Coordinator, or his representative, may issue such orders and directions as he may deem necessary to accomplish the purposes of this order, and violation of any such order or direction shall be considered a violation of this order. For the purposes of this order the functions, duties, and powers of the Fishery Coordinator may, in his absence, be exercised by the Deputy Fishery Coordinator.

(o) Violation; revocation. Any person who violates this order or any order, direction, or prohibition of the Fishery Coordinator, or his representative, or any term or condition of any permit issued by him, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order, may, by a decision of the Area Coordinator based upon findings of fact made after reasonable notice and hearing, be prohibited from fishing by suspension or revocation of any permit issued or prohibited from receiving fish, for a specified period of time. If the Area Coordinator shall have reasonable grounds to believe that such violation has occurred and if the circumstances are such that he shall deem such action reasonably necessary to effectuate the purposes of this order, he may immediately suspend the permit or privilege of receiving fish pending such hearing. Such further action may be taken against the violator as the Fishery Coordinator deems appropriate, including recommendations for prosecutions under

Section 35a of the Criminal Code (18 U.S.C. sec. 80), under paragraph 5 of Section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(p) Appeals and petitions for relief. Any person who finds that compliance with this order or any order, direction, or permit issued pursuant thereto would tend to impose an unreasonable burden upon him or would not facilitate the production of pilchards, or who is aggrieved by any decision of the Area Coordinator may, after the hearing or other presentation of the matter before the Area Coordinator, appeal to, or petition the Fishery Coordinator for appropriate relief. Such petition must include a full showing of pertinent facts. The Fishery Coordinator shall thereupon make findings of fact and take such action on the petition as the circumstances may warrant.

(q) Surrender of permits; applications; communications. Permits which have been superseded by amended permits, or which have been revoked, shall be surrendered at once to the Area Coordinator; and all applications, petitions, and communications referred to herein shall, unless otherwise directed, be addressed to and filed with the Area Coordinator, Area II, Office of the Coordinator of Fisheries, 901 Alexander Building, 155 Montgomery Street, San Francisco 4, California.

(r) Designated representative. The Area Coordinator in Area II is hereby designated as the representative of the Fishery Coordinator to perform any of the functions authorized in this order. In the performance of these functions, he may designate any members of his staff to carry out any specific functions that may be assigned.

(s) Previous order superseded. The provisions of this order shall supersede Conservation Order M. 206, as amended September 30, 1942 (7 F.R. 8274) issued by the War Production Board.

(t) Separability; effective date. The various clauses and provisions herein are intended to be separable and the invalidity of any one shall not affect any other provision. This order shall become effective immediately, except that paragraphs (d) and (e) shall not apply prior to August 1, 1943.

Issued this 30th day of June, 1943.

/s/ Harold L. Ickes,

Secretary of the Interior.