

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON  
CONSIDERATION OF EFFORT LIMITATION IN THE ALBACORE TUNA FISHERY

The Highly Migratory Species Advisory Subpanel (HMSAS) opposes unilateral management by National Oceanic and Atmospheric Administration (NOAA)/National Marine Fisheries Service (NMFS) or the Council, such as effort or catch controls on the U.S. troll and baitboat albacore fishery. At this time, indications from the International Scientific Committee (ISC) are that North Pacific Albacore stocks are being harvested at a sustainable level. All indications also show the U.S. albacore fleet is not expanding nor is effort or catch increasing. On the contrary, the U.S. albacore fleet and supporting infrastructure may be shrinking. The HMSAS feels that if and when future stock assessments show otherwise, effort controls of any kind should be undertaken in a multilateral effort internationally and address issues such as illegal, unregulated, and unreported (IUU) fishing, regional effort and capacity issues in a multilateral international effort. The HMSAS strongly supports increased funding for science and research both Federally and internationally for albacore tuna. The HMSAS feels the Council at this time does not have enough knowledge of the fishery or stocks, especially at the international level, to begin a process that will affect less than 15 percent of the North Pacific catch.

The HMSAS believes that the U.S. albacore fishery is not increasing either in vessel numbers or people entering the fishery. The trend since 2000 has been very stable and has maintained current levels despite restrictions in other fisheries.

The HMSAS believes the fishery which has a long history that needs to be supported and not restricted in order to keep it viable for the future, given the lack of other options for fishermen.

The HMSAS is concerned that the Council has a full agenda and if it moved ahead with unilateral effort control on U.S. fishermen it would not be addressed in a productive way which could further jeopardize one of the last remaining sustainable and clean fisheries in the U.S.

The HMSAS discussed moving the control date for potential albacore limited entry from March 2000 to a more current date. As explained in the situation summary, "Although there is no hard-in-fast rule about how (the) recent control date needs to be when initiating limited access program, it is expected that when a date is announced, the Council will 'proceed quickly' in developing the program." From the previous HMSAS testimony, you heard the reasons why the HMSAS advises the Council that proceeding with limited entry is premature and therefore to suggest moving the control date at this time would not be appropriate.

Concerning the North Pacific albacore White Paper, the HMSAS agrees with the HMS Management Team (HMSMT) that several key issues and concerns were left unresolved in the white paper as explained in the HMSMT Report (Agenda Item G.3.b). The HMSAS would especially like to reiterate their concerns that U.S. industry support for future management options should be contingent on concurrent efforts in international fisheries management.

The HMSAS acknowledges that the Council has been concerned with its responsibilities should the Secretary of Commerce declare the North Pacific albacore stock is approaching a state of overfishing or is overfished. This concern may be part of the basis for the Council's premature consideration of management measures for North Pacific albacore.

It is the view of the HMSAS that with the 2007 amendments to the Magnuson-Stevens Act, Congress specifically clarified that the actions which a Council should take in the event of an overfishing declaration in an international fishery are quite different from a Council's obligation in a domestic fishery. The Council is not under an obligation to establish a rebuilding plan. Rather Secretaries of Commerce and State are to take action at the international level to end overfishing. Then the Council has a year to develop recommendations that would address the relative impact of U.S. fishing vessels on the stock and pass these recommendations on to the Secretaries of State and Commerce and the U.S. Congress.

The text of Section 304(i) appears below for your reference:

SECTION 304(I) – International Overfishing.– The provisions of this subsection shall apply in lieu of subsection (e) to a fishery that the Secretary determines is overfished or approaching a condition of overfishing *due to excessive international fishing pressure and there are no management measures to end overfishing under an international agreement to which the United States is a party.* For such fisheries —

- (1) The Secretary in cooperation with the Secretary of State, [shall] immediately take appropriate action at the international level to end overfishing and
- (2) within 1 year after the Secretary's determination the appropriate Council . . . shall:
  - (A) develop recommendations for domestic regulations to address the *relative impact of fishing vessels of the U.S. on the stock and if developed by a Council, the Council shall submit the such recommendations to the Secretary; and*
  - (B) develop *and submit recommendations* to the Secretary of State and to the Congress for international actions that will end overfishing in the fishery and rebuild the affected stocks, taking into account the relative impact of vessels of other nations and vessels of the United States on the relevant stock.

The HMSAS discussed moving the “control date” for potential albacore limited entry from March 2000 to a more current date. As explained in the situation summary, “Although there is no hard-in-fast rule about how the recent a control date needs to be when initiating limited access program, it is expected that when a date is announced council will “proceed quickly” in developing the program.” From the previous HMSAS testimony, you heard the reasons why the HMSAS advises the Council that proceeding with limited entry is premature and therefore suggest that moving the control date at this time would not be appropriate.

PFMC  
04/11/10