

October 29, 2002  
AGENDA ITEM D-2



# WESTERN FISHBOAT OWNERS ASSOCIATION®

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Don McIssac - Executive Director  
Pacific Fisheries Management Council  
7700 NE Ambassador Place, Suite 200  
Portland, OR 97220-1384

October 28, 2002

Re: Comments on HMS FMP

Dear Mr. McIssac :

Western Fishboat Owners Association which represents about 500 albacore trollers and coastal businesses have been a long time participant in HMS management at all levels. In the last seven years we have put considerable effort into the international conservation of tunas through both MHLC and IATTC management processes. We very much support those conventions as vehicles to manage a fishery that has no boundaries. These are the main vehicles to manage fairly and keep a stable conservation situation that way for the future. Attached below is WFOA's official position on HMS management.

**Western Fishboat Owners Association (WFOA) position on Highly Migratory Species (HMS) management as approved by the board of directors on April 9, 1999. Is as follows:**

1. WFOA acknowledges as fact that the major fishing nations of the world, including the United States, Canada, New Zealand, and other nations where WFOA members reside, have already formally agreed to conserve and manage albacore tuna and other HMS, as evidenced by signing and ratification of the UN Straddling Fish Stocks and Highly Migratory Species Agreement under the 1982 Law of the Sea Convention by the aforementioned nations. WFOA's participation in the Multilateral High Level Conference process to draft a Western and Central Pacific Convention, and active participation in numerous and pertinent efforts to develop other regional and national albacore fishery management programs, is therefore recognized as essential for ensuring our members' continued access to the waters and fisheries of the Pacific Ocean.
2. WFOA recognizes that the Pacific albacore fisheries are very healthy and that the WFOA fleet fishes in a sustainable manner with near zero by-catch. WFOA will not settle for anything less than our traditional amounts harvested over history. We recognize this would only be an issue if Total Allowable Catch and/or fishing effort control programs, with associated allocation programs, were implemented.
3. Acknowledging the facts of item 1, WFOA supports the eventual and necessary involvement of the Federal Fisheries Management Councils in the HMS process according to their expressed interests, ability to contribute scientific and management information, expertise, and resources. WFOA encourages involvement and expertise of both the Western Pacific Fisheries Management Council and the Pacific Fisheries Management Council, and will strive to work with and expedite communication between both bodies as well as the fishing community.
4. WFOA recognizes that its international membership puts it in a unique position to be an advocate for the interests of the international jig fleet fishing for surface caught albacore. WFOA will monitor and coordinate, where and when possible, with other countries and entities, which have WFOA members, actions for the best

it is more appropriate for it to focus on the interests of its' U.S. members, when and if a conflict emerges between the interests of the U.S. fleet and the interests of fleets from another flag state. Presently no such conflict exists.

5. WFOA recognizes that albacore tuna is a healthy, protein rich, staple food enjoyed and needed by hundreds of millions of people all over the world, and will continue to stress this at every opportunity.

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In 1995 WFOA recognizing a future management regime on albacore fishing at the international level, approached the Pacific Fisheries Management Council to become more involved and to reconcile differences over HMS management through a framework FMP that would be a joint effort between PFMC and WPFMC. Such cooperation would be necessary to avoid overlaps and unnecessary duplication and costs, and be a better way to fit into any international management directives. We helped form the HMS advisory sub panel and have been a member of that body since the beginning.

WFOA has worked diligently with the PFMC, and planning team in a very open process. The draft document produced is a great resource and well done for information on the fisheries and species. It has however, failed to address the main issues for which it was first intended. That is to reconcile council regulations, enforcement, and science on HMS, and to be a "framework" available for consistency in international management of tunas and tunalike species. The framework has turned into an FMP that is predominately managing species such as turtles and sharks, and in that respect it's a wonderful document.

WFOA is not overly keen about the FMP since it is inadequate for the management of albacore because the portion of the resource within U.S. waters is a very small fraction of the stock. Throughout the process we have expressed our concerns about unilateral management of domestic fishermen even if overfishing or conditions of overcapacity and effort occurred by foreign nations. Unilateral management will only be detrimental to U.S. fishermen and the U.S. consumer who has had to turn more and more to imported fish products as U.S. fisheries become managed while others fish unfettered. The costs of administering and implementing this FMP also have to be measured against the potential benefits of the Plan.

I have a difficult dilemma in opposing something I have personally spent so much time helping to develop. However, at the same time as included below, the boards of WFOA and American Fishermens' Research Foundation (AFRF) both either opposed outright or had deep reservations about this plan in its present form thus passing the following motions at recent board meetings. Also included is the resolution passed by commercial fishermen interests at the October 23, 2002 HMSAP meeting. Granted, passage was not unanimous within the panel, but was unanimous amongst commercial food producers. WFOA encourages the council to consider circumstances resulting in such a resolution by the very group that supported the FMP at its beginning. If the resolution promotes this debate and discussion, it will benefit all user groups and stakeholders. Council members need to ask themselves, "Does this plan actually conserve in a cost effective, fair, and efficient manner HMS species for the benefit of U.S. commercial and recreational fishing interests, as well as U.S. consumers?" As long as tuna are under other international management regimes anything more than a framework FMP which considers and acts with international management is a waste of time and money for the PFMC, NMFS, and the United States.

Sincerely,



Wayne Heikkila  
Executive Director

cc: WFOA members

*Passed By WFOA Board at April 2002 Board Meeting.*

**Passed By WFOA Board at April 2002 Board Meeting.**

Moved for the WFOA Board send a Resolution to the Secretary of Commerce, NMFS, and PFMC opposing the current draft HMS FMP on two basis:

1. Tuna is already subject to international management; and
2. The current draft HMS FMP is not based on scientific information. The Board discussed the motion. The Board felt the process was not transparent. The Board discussed having examples included in a cover letter that validated the lack of scientific information used in the current FMP. Motion carried unanimously.

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**Passed by American Fishermen's Research Foundation Board at April 2002 Meeting:**

Moved for Dr. Vidar Weststad to draft a letter to PFMC registering AFRF concerns about the draft HMS FMP. The Board discussed the motion. Motion passed unanimously.

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The attached resolution was passed by a majority of the HMS AS at their last formal meeting prior to the October 29th consideration by the Pacific Fisheries Management Council of the adoption of a draft Fisheries Management Plan for Highly Migratory Species.

**Resolution passed October 23, 2002 at the HMSAP:**

It is with regret that the majority of the HMS advisory sub-panel have come to believe that they cannot support and will actively oppose the adoption of the draft HMS fisheries management plan.

First we sincerely and without reservation thank the members of the FMP drafting team, and especially their consultant, for their herculean Efforts in bringing together existing and new information about the fisheries off the west coast of the United States. Their efforts are greatly appreciated today, and will be by generations of fishermen to come. We also want to thank the pacific fishery management council, and particularly their staff for the continuous and outstanding support they have provided in these efforts. Finally, we also wish to express our appreciation for the funding, legal, and regulatory help and advice that NOAA/NMFS has been able to offer.

This draft FMP cannot be supported for the following reasons:

1. When conceived this FMP was to provide a framework for implementing rules, regulations and resolutions of international regional management organizations of which the United States is a member. Highly migratory species in the eastern and central pacific are already under international regulation and conservation, where those multilateral entities have concluded it is necessary. The "piling on" of unnecessary federal regulations on top of these same fisheries is a tremendous waste of tax payers' money and government and private resources. These fisheries are already managed under the Pacific Tuna Conventions Act and the soon to be passed implementing legislation to the U.S. Canada Albacore treaty.
2. Second, a secondary, but major goal of the FMP, was to harmonize the regulations of the three west coast states which are active members of the PFMC, and to harmonize management and scientific research efforts. Between the PFMC and the WPFMC. Neither goal has been approached. anomalies between state regulations which have been resolved, have been resolved by state legislation. Any effort to resolve conflicts between the two councils which share management of HMS in the Pacific, have been cursory, or proposed to be taken without regard to the due process rights of west coast fishermen and others.

3. *Third, no genuine consideration of the American consumers' right to a free flow of American caught fresh fish, which is a substantial source of healthy protein, is reflected in the draft FMP. Rather measures are suggested which would without question subject American fishermen to competitive disadvantages. This is particularly egregious In the face of increasing demand for fresh seafood in the us, particularly tuna, and the increasing share of this demand which is being filled by foreign suppliers, which in many cases have displayed little regard for the sustainability of these resources.*

4. *Fourth, several actions suggested or recommended by this draft FMP Are clearly not based on the best scientific information available, and In some instances are obviously political, rather than scientific management decisions.*

*While we are hesitant to make this statement in view of the efforts which have been expended thus far by all involved in the drafting of this FMP, we believe we have an obligation to the public at large, to the fishermen, their suppliers, and the commercial buyers and processors throughout the west coast, and perhaps most importantly to the policy makers in Washington D.C., whether they be in the executive or legislative branches of our government, that adoption or release for public comment of this FMP is unnecessary, duplicative, unhelpful to existing concerns, scientifically flawed in its conclusions, and not in The best interests of the united states.*

*To remain silent would be to shirk our responsibilities and obligations As members of the HMS advisory sub-panel.*

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