

Analysis of Management Options for Development of a Plan to End Overfishing of Pacific Bigeye Tuna in the Eastern Pacific Ocean

PREFACE

Pacific bigeye tuna are subject to overfishing Pacific-wide and this document sets out alternatives that potentially could be used to end overfishing. Bigeye tuna, like other highly migratory species (HMS) are nomadic in behavior, thus do not recognize boundaries that management, policy, or science have established. Bigeye tuna are fished by many nations in addition the United States, thus future efforts to reduce fishing mortality on bigeye tuna in the Eastern Pacific Ocean (EPO) will require coordination and communication among all relevant regional fisheries stakeholders. The capacity for unilateral action by the United States to prevent overfishing, as required under National Standard 1 of the Magnuson-Stevens Act (16 U.S.C. 1851(a)(1)), is limited, as is the capacity of the Pacific Fishery Management Council (Council), which is required to develop a plan to end overfishing, under 50 CFR 600.310(e)(4)(i).

Pacific-wide, the U.S. annually lands approximately 10,000 metric tons (mt) (Table 3), or about five percent of the total bigeye catch. The Pacific-wide catch for bigeye tuna in the EPO between years 1999 and 2003 was between 88,000 mt and 142,000 mt. The U.S. West Coast commercial catch for this period was less than one percent; hence any unilateral action by U.S. fisheries to end overfishing would have little effect on the stock. Multilateral management action is essential to ensure that overfishing on bigeye tuna in the Pacific Ocean ends.

The current resolution that places conservation and management measures on fishing nations in the EPO for bigeye tuna is set to expire in 2006; for that reason this document provides future management options that would address overfishing of Pacific bigeye tuna in the EPO. The Council will choose a West Coast position to advance to the U.S. delegation to the Inter-American Tropical Tuna Commission (IATTC), as domestic management for 2007 and beyond depends on international management actions to reduce fishing on bigeye tuna stocks.

1.0. PURPOSE AND NEED FOR ANALYSIS

1.1 *Purpose and Need*

This document is intended to provide the Council with information needed to form a position on how to control fishing mortality on Pacific bigeye tuna in the EPO. Management and conservation options are a shared responsibility of both domestic and international fisheries management entities, and thus the requirement to reduce fishing mortality will dictate that the United States find an appropriate balance between protecting the resource and achieving sustainable utilization of the resource within its straddling jurisdictions. Once the Council approves a strategy to reduce fishing mortality it will be presented to the U.S. delegation for consideration by the IATTC. Any new conservation and management measures adopted by the IATTC, as a result of its June 2006 meeting will be implemented domestically.

After consideration of this document, the Council will determine its preferred strategy for the conservation and management of bigeye tuna in the EPO. In the event that regulatory action is considered, the Council will direct the preparation of a management document for public review, including environmental analysis consistent with the National Environmental Policy Act (NEPA). This will ensure

adequate consideration of the impacts of a broad range of alternatives as the Council formulates recommendations.

1.2 History of Action

NOAA's National Marine Fisheries Service (NMFS) notified the Council that it must take action to address overfishing of bigeye tuna by June 14, 2005. A similar notification was given to the Western Pacific Fishery Management Council. At the June 2005 meeting, the Council moved to begin work on Amendment 1 to the FMP for U.S. West Coast Fisheries for HMS as the proper response to address this issue. NMFS Southwest Region agreed to take lead responsibility on developing the amendment package for Council consideration. At its November 2005 meeting, the Council was to have adopted a preliminary range of alternatives for public review. However, because of time constraints at that meeting, the agenda item was deferred for a future meeting. This has also allowed NMFS staff, who initiated the preparation of an environmental assessment (EA) containing the alternatives and analysis of them, to provide a more complete document for the Council to review.

Shortly after NMFS staff began the development of the EA, it was determined that no regulatory action would result from an amendment since future actions are dependent on conservation and management measures adopted internationally. Therefore, at this juncture, a management options analysis for the development of a West Coast position on how to control fishing mortality on Pacific bigeye tuna in the eastern Pacific is a more relevant approach than is an environmental effects analysis of proposed conservation and management measures. The management options analysis will provide the Council with the information needed to form a position, which has the potential to influence any new conservation and management decisions adopted by the relevant international bodies governing bigeye tuna stocks in the eastern Pacific, in future years.

1.3 Current Management Controls

Primary management of Pacific bigeye tuna occurs internationally by the IATTC in the EPO and by the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC). The IATTC was established by international convention in 1950 and is responsible for the conservation and management of tuna fisheries and other species taken by tuna fishing activity in the EPO. The organization consists of a Commission in which each member country may be represented by up to four commissioners and a Director of Investigations, or the Director who is responsible for drafting research programs, budgets, administrative support, directing technical staff, coordination with other organizations and preparing reports to the Commission.

Staff scientists at the IATTC coordinate and conduct research, observer programs, and the collection, compilation, analysis and dissemination of fishery data and scientific findings. The work of the IATTC research staff is divided into two main groups: The IATTC Tuna-Billfish Program and the IATTC Tuna-Dolphin Program. Current membership of the IATTC includes Costa Rica, Ecuador, El Salvador, France, Guatemala, Japan, Mexico, Nicaragua, Panama, Peru, Spain, USA, Vanuatu, Venezuela, and Korea. Canada, China, the European Union, Honduras, and Chinese Taipei are Cooperating Non Parties or Cooperating Fishing Entities.

On September 5, 2000, the WCPFC was adopted. The Convention, which is subject to ratification, establishes a Commission that would adopt management measures for HMS throughout their ranges. The U.S. has yet to deposit its instrument of ratification of the Convention, but is participating as a cooperating non-member. Both Commissions affect West Coast-based HMS fisheries. Figure 1 illustrates the geographical delineation of the WCPO and the EPO.

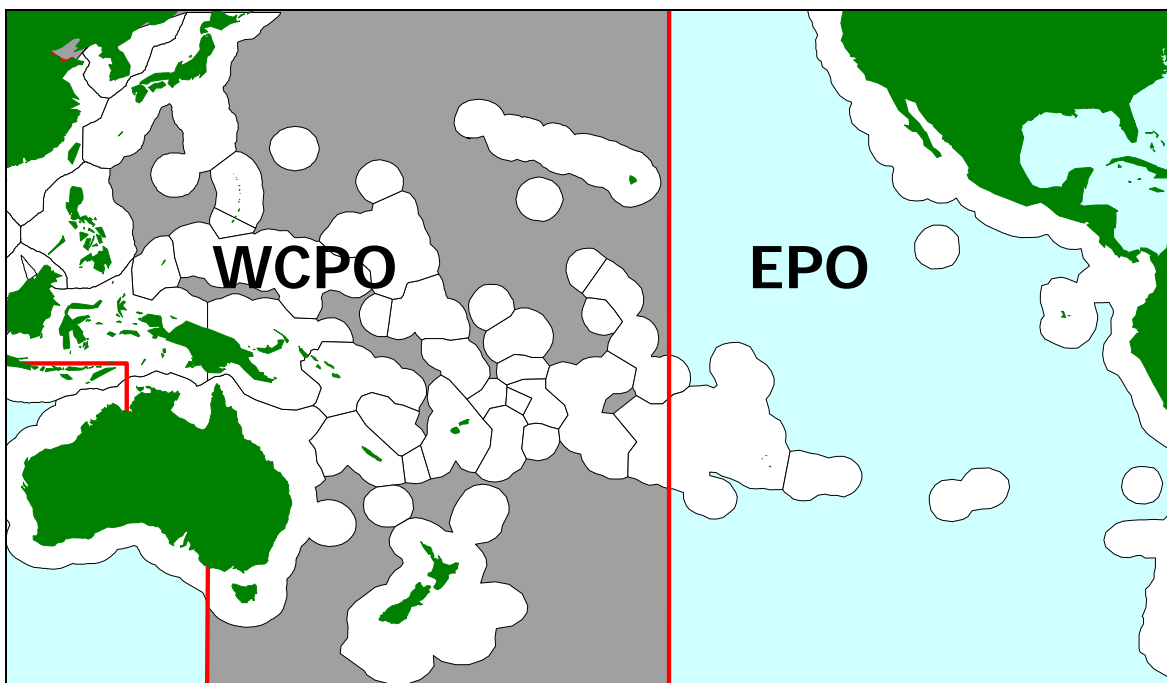


Figure 1. The geographical delineation of the Western and Central Pacific from the Eastern Pacific Ocean for statistical purposes.

The West Coast HMS FMP provides a management context to carry out recommendations of the IATTC. In particular and of interest to the FMP, regulations are in place to collect data on vessels harvesting HMS in the Convention Area, with the intent of assisting the IATTC in monitoring international fisheries as well as enforcing conservation measures. The vessels register system is also intended to assist the Council in monitoring West Coast based HMS fisheries north Pacific albacore, yellowfin, bigeye, skipjack, Pacific bluefin, common thresher shark, pelagic thresher, bigeye thresher, shortfin mako, blue shark, striped marlin, Pacific swordfish and dolphinfish.

In June of 2004, the IATTC adopted Resolution C-04-09 on Tuna Conservation Measures. The resolution established a multi-annual program to protect tuna in the EPO for years 2004 through 2006. The resolution includes conservation measures for yellowfin, bigeye, and skipjack tunas. Purse seine vessels fishing in the EPO are affected by these conservation measures. The conservation resolution includes a national choice of one of two possible six week closures of the Convention Area. The possible choices are either a six-week closure in the summer or winter. Longline vessels fishing for bigeye tuna will be restricted to a national catch not to exceed their national catch for the year 2001. The 2004 conservation resolution introduced a precedent-setting multi-year management framework with a review of the stock(s) response in 2005 and 2006. The multi-annual plan allows the industry to plan and minimize economic impacts. Pole-and-line and sportfishing vessels are not subject to this resolution. Also, members of the IATTC agreed to compliance measure prohibiting landings, transshipments, and commercial transactions involving tunas caught in contravention of the conservation measures in this resolution.

1.4 Management Option Process

March 2006 Council Meeting: Management Options for a West Coast Strategy to Address Overfishing of Bigeye Tuna in the Eastern Pacific Ocean document goes out for Council and public review. At this time the Council reports on its preferred management option.

April 2006 Council Meeting: Report on Public Comment.

April 2006 – May 15th 2006: Finalize document.

May 16th: Submission to the GAC for their review, contemplation, and consideration as an agenda item for their June 1st meeting.

The expectation here is that the GAC will embrace the Council's preferred strategy in part or whole as a part of their strategy and advice to the U.S. Section of the IATTC, which meets in late June to discuss future management options for bigeye tuna.

June 1st 2006: 5th meeting of the GAC.

June 22 – 30th 2006: IATTC meeting in Korea. Any new multi-year resolution adopted would need to be implemented via the Tuna Conventions Act or with an amendment to the West Coast HMS FMP.

2.0 SUMMARY OF THE MANAGEMENT OPTIONS

2.1 *Management Objective*

The Council will choose a strategy for the establishment of a West Coast position to end overfishing of bigeye tuna in the EPO. The strategy should include measures that meet requirements to end overfishing contained in the MSA as well as meet international obligations. Conservation and management measures to explore include time/area closures for fishing effort in the EPO; limits on mortality of juvenile bigeye associated with fishing on floating objects; and finally, if successful, the United States would then implement the IATTC program for bigeye tuna through quotas and/or time/area closures.

As specified in the West Coast HMS FMP, the Council has the option to provide analysis and documentation to NMFS and the Department of State supporting its recommendation for action under any new international agreement to end or prevent overfishing (Ch. 8, Pg. 4). It is expected that the Department of State and U.S. delegation, in coordination with NMFS, will consider the Council's preferred management option in developing U.S. positions for presentation to the IATTC, and will keep the Council informed of actions by the IATTC to end or prevent overfishing. These actions will be taken into account by the Council in completing its rebuilding plan, and in developing its recommendation to NMFS as to what additional U.S. regulations, if any, may be necessary to end or prevent overfishing. The Council's rebuilding plan will reflect traditional participation in the fishery, relative to other nations, by fishers of the United States, consistent with Section 304(e)(4)(C) of the Magnuson-Stevens Act, 16 U.S.C. §1854(e)(4)(C).

2.2 *Description of Vessels/fleets Utilizing Tuna Fisheries in the EPO*

Within the IATTC, the usage of "fleet" describes a Nation's fleet. For each nation Party to the IATTC, a fleet consists of all of that nation's vessels no matter the size or gear type. Thus far, within specific resolutions longline and purse seine vessels are defined for the tuna fisheries. The IATTC does maintain a record of each nation's fleet fishing for tropical tunas, such as bigeye. Table 1 summarizes information about national purse seine fleets.

Table 1. Active purse seine vessels targeting tropical tuna in the EPO (IATTC, 2006).

Nation	# of vessels	Range of Length (m)
Bolivia	1	32.9
Columbia	12	32.9 - 74.7 m
Ecuador	89	16.2 – 78.0 m
El Salvador	5	50.3 – 91.9 m
Guatemala	3	66.1 – 77.3 m
Honduras	4	51.6 -62.7
Mexico	73	25.0 – 79.9
Nicaragua	6	52.3 – 69.0
Panama	26	35.7 – 116.0
Spain	3	72.6 – 105.0
United States	3	22.3 – 65.2
Vanuatu	2	56.5 – 69.2
Venezuela	21	59.1 – 107.5

Additionally the IATTC adopted Resolution C-03-07 which established in 2003 a requirement to maintain a list of longline fishing vessels larger than 24 meters overall length (i.e., large-scale tuna longline fishing vessels or “the LSTLFV List”). For the purposes of this resolution, LSTLFVs not included in the LSTLFV Record are deemed not to be authorized to fish for, retain on board, transship or land tuna and tuna-like species in the eastern Pacific Ocean (EPO). Also, the initial LSTLFV List consists of the LSTLFVs of IATTC Parties, cooperating non-Parties, entities, fishing entities or regional economic integration organizations (collectively "CPCs") on the IATTC Regional Vessel Register. The LSTLFV List shall include the following information for each vessel:

1. Name of vessel, registration number, previous names (if known), and port of registry;
2. A photograph of the vessel showing its registration number; and
3. Previous flag (if known and if any);

Table 2 is a summary of the LSTLFVs targeting tropical tunas in the EPO.

Table 2. Active large longline vessels targeting tropical tuna in the EPO (IATTC, 2006).

Nation	# of Vessels	Range in Length (m)
China	89	35.1 – 50.8
Chinese Taipei	138	27.3 – 59.2
Costa Rica	11	24.0 – 27.0
Ecuador	21	24.0 – 55.2
France	14	24.8 – 33.2
Honduras	4	32.8 – 44.2
Japan	530	30.0 – 57.0
Korea	202	39.0 – 49.9
Mexico	9	24.4 – 46.8
Nicaragua	1	24.0
Panama	77	24.0 – 91.5
Peru	1	55.6
Spain	107	25.7 – 49.0
United States	25	24.0 – 50.7
Vanuatu	48	37.5 – 53.5

2.3 Management Option 1 (No Action)

NMFS and the Council would not develop and implement controls necessary to end overfishing by Pacific-wide fishermen, nor submit comments or actively participate in the development of input and recommendations on the conservation and management of Pacific bigeye to the U.S. delegation to the IATTC.

Comments and Considerations: IATTC staff scientists determined that under the current exploitation patterns, and assuming recruitment at recent average levels, yields of bigeye tuna are expected to decline in the near future to levels below the average maximum sustainable yield, potentially leading to an overfished condition.

Impact Summary

By implementing the no action management option (i.e. failure to implement measures that end overfishing) it is likely that a continued decline in Pacific bigeye stocks would result. If the Council chooses management option 1 as their strategy (no action), the stock could become overfished. Additionally, no action would be contrary to requirements in international agreements and to requirements of the MSA.

2.4 Management Option 2

The impact of purse seine and longline fisheries on Pacific bigeye is considered to be highly significant. An analysis by IATTC scientists suggests that the initial declines in stock biomass were caused by longline fishing, but accelerated declines since 2000 are mainly attributable to floating-object-based purse seine fishing. Under a current model, Spawning Biomass Ratio (SBR) levels are predicted to remain at very low levels for many years unless fishing mortality is significantly reduced or recruitment increases for several years.

IATTC scientists suggest large (50%) reductions in bigeye effort from the purse-seine fishery to allow the stock to rebuild towards the AMSY level in ten years. According to IATTC scientists, restrictions applied to a single fishery (e.g. longline or purse-seine), particularly restrictions on longline fisheries, are predicted to be insufficient to allow the stock to rebuild to levels that will support the AMSY. Therefore restrictions on both longline and purse-seine fisheries are necessary to rebuild the stock to the AMSY level in ten years. Simulations suggest that the restrictions imposed by the 2003 Resolution on the Conservation of Tuna in the EPO will not be sufficient to rebuild the stock.

IATTC scientists suggested a combination of the following management options as a means to rebuild the stock.

1) Closure of the purse seine fishery in the EPO for six consecutive weeks.

Comments and Considerations: The current resolution adopted by the IATTC allows member nations to choose between two different consecutive six week periods to close their purse seine fishery in the Convention Area. The closure dates begin either August 1, 2004, or November 20, 2004. The closure is intended to target fishing activity that results in high catches of juvenile tuna, and thus the closure should result in improved yields from the stock in subsequent years.

2) Reduce the purse seine fishing effort on Pacific bigeye by 50 percent in 2007, and possibly beyond, with one or more of the following management options:

- a) Close the purse seine fishery for six consecutive months in the area between 8°N and 10°S west of 95°W (this closure would not be intended to occur simultaneously with the two month EPO closure in (1)); and/or
- b) Close the purse seine fishery on floating objects for six consecutive months in the area west of 95°W (this closure is not intended to occur simultaneously with the two month EPO closure); and/or
- c) Limit the total annual catch of bigeye by each purse seine vessel that is required to carry an observer to 500 metric tons, estimated either by the observer or, at the request of the fishing vessels Captain, by scientific sampling of the vessel's catch conducted by IATTC staff at the time of unloading. If this latter option is chosen, the vessel would be responsible for the costs of the sampling.

Comments and Considerations: Management Option 2 contains recommendations by IATTC scientist who have indicated that large (50%) reductions in effort (on bigeye tuna) from the purse-seine fishery will allow the stock to rebuild towards the average maximum sustainable yield (AMSY) level, but restrictions on both longline and purse-seine fisheries will be necessary to rebuild the stock to the AMSY level in ten years. Simulations suggest that the restrictions imposed by the 2003 Resolution on the Conservation of Tuna in the EPO will not be sufficient to rebuild the stock. Projections indicate that, if fishing mortality rates continue at their recent (2002 and 2003) levels, longline catches and spawning biomass ration will decrease to extremely low levels.

The particular closure contained in option (a) above is due to the high percentage of juvenile bigeye known to occur in that area and (b) is an area where a large amount of bigeye associated with floating objects are caught. Closing these areas will reduce bigeye tuna mortality.

As Table 3 illustrates, four major fleets are contributing to the majority of the longline catch in the EPO. Fishing mortality from the U.S. and other smaller fleets are an insignificant fraction of the total catch. Also, the U.S. longline fleet does not have freezers, such as those used in the lucrative Japanese sashimi market. Japanese vessels are equipped to fish at sea for many months and are not limited by having to return to port to offload fresh, iced bigeye. The fishing power of the large Asian fleets is thus enhanced by the use of vessels containing freezing capabilities.

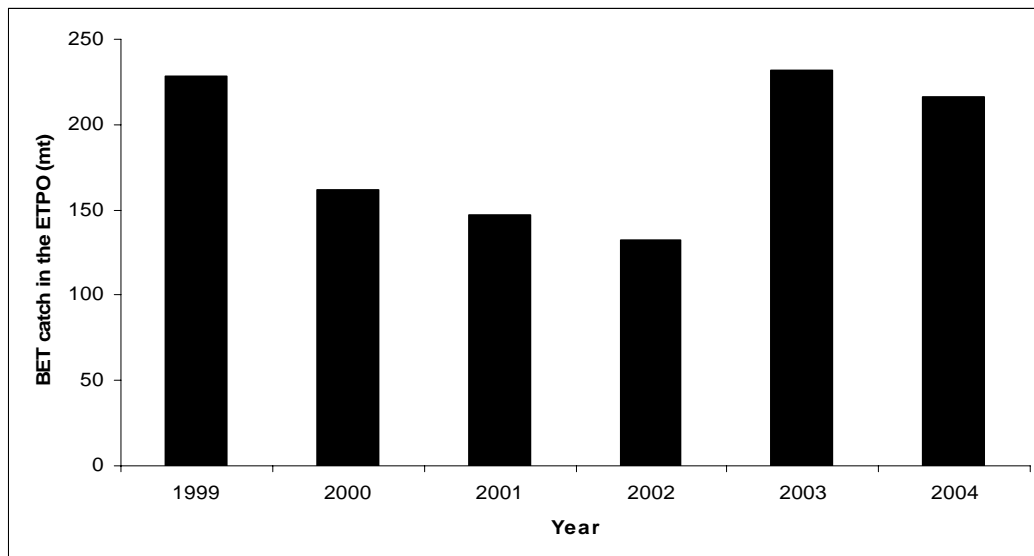
3) **Reduce longline catches in the EPO to 1999 levels.**

Comments and Considerations: Capping bigeye catches at the 1999 level would significantly reduce the volume of longline bigeye by 40-50% of present catches (see Figure 2). This would achieve significant conservation benefits to the stock. Additionally, the current bigeye quota set for U.S. vessels comes from the year 2001, which was a year when the U.S. catch level was at a lower than average, due to litigation and management measures regarding sea turtle conservation.

Impact Summary

Impacts on target and non-target stocks: As discussed previously, West Coast fisheries for bigeye tuna are small compared to other fishing nations and often are not a main target species. If management option 2 were adopted as part of the U.S. position to reduce fishing mortality of bigeye tuna, domestic fishing mortality on bigeye could be reduced through regulatory controls, such as time/area closures. Additional controls on domestic fisheries for bigeye tuna would reduce future impacts to bigeye in the EPO; however, this action may overly burden U.S. fishermen that have a relatively minor role in bigeye tuna fishing mortality.

Figure 2. Annual catch of bigeye tuna in the EPO by U.S. (Hawaii & California-based) vessels (Source: NMFS PIFSC)



Because bigeye landings by West Coast fisheries are so small relative to Pacific-wide fishing nations, none of the regulatory controls considered here would be anticipated to have measurable impacts on bigeye stocks. Similarly, because landings of all non-target species are small relative to Pacific-wide landings, and options are not expected to adversely affect the catches of any of these fisheries, they are not anticipated to result in measurable impacts on non-target stocks.

Impact Summary

Impacts on marine habitat: Purse seine and longline fisheries operations do not involve contact with the seabed, and because measures under management option 2 are not expected to alter these fishing operations, no adverse impacts on marine habitat are anticipated.

Impacts on biodiversity and ecosystem functions: The overall West Coast catch of bigeye tuna is less than 1 percent of the total Pacific-wide catch, thus adverse impacts to the tropical and subtropical pelagic ecosystems and biodiversity are not expected to occur.

Impacts to public health and safety: None of the measures contained in management option 2 are expected to require participants to fish in ways noticeably outside of historical patterns, and thus no impacts on public health and safety are anticipated.

Impacts on fishery participants and fishing communities: Anticipated impacts to affected participants would vary widely according to the severity of any new fishery management reduction in quota or fishing opportunities. However, because West Coast bigeye tuna fishery participants are not highly dependent on bigeye for a majority of their landings the effects of any fishing restrictions could potentially be offset over time with increased landings of other species.

If management option 2 were adopted it would provide for the sustained participation of fishing communities by helping to ensure the long-term availability of bigeye tuna, on the other hand there would likely be a short-term reduction in economic benefits from the fisheries until the stock recovers.

Impacts on data collection and monitoring: Under this management option no new data collection or monitoring requirements are required.

2.5 Management Option 3

Management Option 3 would include all management options contained in alternative 2, plus would exempt fleets¹ that catch 1 percent or less of the total Pacific bigeye tuna landings in the EPO and establish an annual international fishing quota (total allowable catch) of which the amount is to be divided among all nations in the EPO fishing on the stock. Each nation's quota would be based on historical effort. Additionally, this option would explore possible minimum size limitations on juvenile bigeye.

Comments and Considerations: Table 3 shows that the main contribution to EPO longline bigeye catches are made by fleets from China, Japan, Korea and Taiwan. Catches by these Asian fleets are two orders of magnitude larger than U.S. vessels landing bigeye. Catches by other South American longline fleets are comparable to the U.S. landings. Measures directed at the smaller fleets would have little conservation effect on bigeye stocks in the EPO, while at the same time incurring administrative costs that likely exceed the value of the small volume of bigeye landed.

Table 3. EPO longline catches of bigeye tuna (mt) (IATTC, 2005).

Year	Japan	South Korea	Taiwan	China	Other fleets	USA	Total
1999	22,224	9,431	910	660	961	228	34,414
2000	27,929	13,280	5,214	1,320	3,719	162	51,624
2001	37,493	12,576	7,953	2,639	4,169	147	64,977
2002	33,794	10,358	16,692	7,351	3,597	132	71,924
2003	20,517	10,272	12,501	10,065	1,292	232	54,879
Total	141,957	55,917	43,270	22,035	13,738	901	277,818
Percent of total	51.1%	20.13%	15.57%	7.93%	4.94%	0.32%	100%

Impact Summary

Impacts on target and non-target stocks: See Management Option 2 *Comments and Considerations*. Additionally, any measure that imposes minimum size limits on bigeye could potentially have a positive impact on the population by reducing fishing mortality on juvenile species. Management option 3 would also consider minimum size regulations on juvenile bigeye, which would prevent fishing nations from retaining and/or landing fish below a determined minimum size. Minimum size regulations are intended to conserve juvenile fish in three ways. First, prohibition on landing and/or sale prevents development of a commercial market for small fish, thereby discouraging fishermen from targeting them. Secondly, some of the small fish that are discarded will survive and mature to reproduce and contribute to the stock biomass. Third, a minimum size results in fewer fish being retained per mt than would be otherwise. However, to the extent that fishermen cannot control the size composition of the fish they catch, minimum sizes can result in significant discards of undersized fish. The objective to minimize bycatch and bycatch mortality, and the requirement to end overfishing should be considered when evaluating this management option.

¹ The IATTC does not define a fleet, but rather leaves it up to individual nations to impose their own fleet restrictions on a domestic basis. The current IATTC resolution applicable in 2004, 2005 and 2006 simply applies to "purse-seine vessels" fishing for yellowfin, bigeye, and skipjack tunas, and to "longline vessels." Pole-and-line and sportfishing vessels are not subject to this resolution.

Overall, greater restrictions on purse seine FAD fishing combined with minimum size limits would likely have a measurable beneficial impact on bigeye tuna conservation.

Impacts on marine habitat: See Management Option 2 *Comments and Considerations*.

Impacts on biodiversity and ecosystem function: See Management Option 2 *Comments and Considerations*.

Impacts on public health and safety: See Management Option 2 *Comments and Considerations*.

Impacts of fishery participants and fishing communities: See Management Option 2 *Comments and Considerations*. Additionally, if fleets that catch 1 percent or less of the total Pacific bigeye tuna in the EPO are exempted then the focus of management and conservation would be on the fisheries with the greatest impacts and on the regions of highest catches. An exemption recognizes the need to avoid overly burdening those fleets and countries which are peripheral in generating fishing mortality for bigeye tuna.

Impacts on data collection and monitoring: See Management Option 2 *Comments and Considerations*.

2.6 Management Option 4

Same as Management option 3 plus either use the existing control date or re-establish a more current control date to notify present and potential participants that a limited entry and/or another management program may be considered by the Council for West Coast fisheries in the EPO so as to avoid excess capacity.

Comments and Discussion: See Management Option 2 *Comments and Discussion*.

This control date would not bind the Council to establishing limited access or other management programs for these fisheries, but it would notify current and prospective fishery participants that additional management measures may be taken by the Council for these fisheries. The implementation of a control date would be in recognition of the fact that unlimited expansion of purse seining and longline fishing is untenable with the conservation of bigeye tuna.

2.7 Management Option 5

Close all fisheries under the Council's jurisdiction that target Pacific bigeye tuna in the EPO.

Comments and Discussions: Closure of all fisheries under the Council's jurisdiction that catch bigeye tuna in the EPO would appear to address the contribution to overfishing from U.S. vessels in the eastern Pacific. However, this unilateral action would place an unfair burden on U.S. fishermen by threatening their livelihoods without any significant impact on reducing bigeye fishing mortality. This would not be consistent with the Council objective of addressing overfishing in a cost-effective and equitable manner and for that reason this alternative was not analyzed in detail.

2.8 Management Option 6

The Pacific Council adopts recommendations for international fisheries consistent with those described in Western Pacific Fishery Management Council's Pelagics FMP Amendment 14 as their Pacific-wide response to bigeye tuna overfishing. These recommendations could be adopted in addition to any adopted under options 2-4

Comments and Discussions: For additional details on Pelagics FMP Amendment 14 see Agenda Item G.1.a, Attachment 2, April 2006.

Amendment 14 creates a mechanism and a timetable for the Council to review the status of stocks, to consider and advise on impending RFMO actions, to deliberate on the Council's own proposals for conservation and management, to inform NMFS and the Department of State about the Council's positions and concerns, to participate in international meetings, and to apply their expertise in the subsequent implementation of any resultant agreements.

Specific recommendations for the Western and Central Pacific Ocean include:

- a) Short term: cap and roll back fishing effort (e.g. number of vessels) to 1999 levels)
- b) Long term: reduce levels of fishing mortality to sustainable levels. If quotas are established they should transferable within countries.
- c) Require that fish aggregating devices used by purse seiners be registered and limited in number.
- d) Give consideration to allow for the development of emerging Pacific Island fisheries.

Recommendations a-c are concerned with reducing fishing effort and hence fishing mortality. Given the volume of overfishing on bigeye and yellowfin tunas, it is unlikely that wholesale reductions in the order described above can be achieved in the short term, hence the need, as outlined in a, to establish a reasonable short term target to ensure that overfishing on bigeye and yellowfin tuna does not increase by unconstrained expansion of fishing. This should be followed by sustained reduction in fishing for bigeye, likely through attrition of fleets, although mindful that some expansion of fishing is also likely by emergent fishing nations in the Pacific Islands. As noted earlier, the use of FADs by purse seiners targeting skipjack is known to be a significant contribution to bigeye fishing mortality, especially on juvenile bigeye and yellowfin. Restricting FAD use will therefore have significant reduction of fishing mortality on the bigeye and yellowfin stock as a whole. Allowing for expansion of emerging Pacific Islands fisheries appears to be at odds with the overall conservation objectives that need to be adopted for bigeye and yellowfin tuna. However, the text of the convention establishing the WCPFC explicitly recognizes the aspirations of the Pacific Islands to participate in tuna fisheries, rather than simply be resource owners. Balancing these aspirations and the expansion of Pacific Island fisheries (which is already happening) will be difficult challenge for the new Commission. However, it may be possible to match this expansion with controlling the additional deployment of FADs to minimize the volumes of juvenile bigeye and yellow tuna catch.

The Council recommendations regarding quotas include a provision that would allow quotas to be transferred within countries between fishing vessels or fleets, this allows countries to implement and allocate their quotas according to domestic objectives and conditions.

Specific recommendations for the Eastern Pacific Ocean include:

- a) Set EPO bigeye tuna longline catch quotas at 1999 levels.
- b) Exempt fleets that take less than 1 percent of the total bigeye tuna catch in the EPO.
- c) Exempt fleets that catch less than 550 mt of bigeye tuna annually in the EPO.

- d) Provide the U.S. longline fleet with a quota of 250 mt of EPO bigeye tuna.
- e) All recommendations include a provision in whatever management measures are adopted to permit the landing of a small volume of bigeye (e.g. 20-25 fish) when quotas are exceeded to minimize bycatch and waste by longliners not targeting bigeye. They also include a provision that whatever management measures are adapted should incorporate flexibility for nations to administer the longline quota in accordance with national legislation and sovereignty. This will allow the Council to apply their expertise to the allocation and implementation of domestic quotas as they apply to vessels operating under or in the Council's management authority.

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Excerpts From

Management Measures for Bigeye and Yellowfin Tunas in the Pacific Ocean

DRAFT

Amendment 14
to the
Pelagics Fishery Management Plan

February 2006

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4.2 Public Review Process and Schedule

In response to the identification of overfishing by the Secretary of Commerce, at its 126th meeting held March 14-17, 2005 in Honolulu the Council reviewed a background document on Pacific bigeye fisheries, listened to public comments and took initial action to direct its staff to continue its development of an amendment to the Pelagics FMP containing comprehensive background information and analyses as well as recommendations for international management and a range of alternatives for the management of domestic fisheries.

The Council's Pelagics Plan Team reviewed and commented on the draft analyses and recommendations at a public meeting held May 3-5, 2005 in Honolulu. This was followed by additional reviews and discussion at public meetings of the Council's Science and Statistical Committee (Honolulu, May 17-19, 2005) and Advisory Panels (Honolulu, May 20, 2005). A summary document of the measures considered to date and their anticipated impacts was then mailed to over 1,500 holders of Hawaii Commercial Marine Licenses as well as other interested parties on the Council's mailing list, to solicit their comments. Included in this mailing was an agenda for the Council's 127th meeting, as well an announcement of upcoming public meetings to be held in the major ports for those fishery participants most likely to be affected by new

requirements, namely the pelagic handline port in Hilo, Hawaii (May 13, 2005) and in Honolulu (May 19, 2005) which includes a major port for offshore handliners and is the urban center of Oahu where approximately 80% of Hawaii's population is located. All of these meetings were also advertised in Hawaii newspapers. At its 127th meeting (Honolulu, May 31- June 2, 2005) the Council reviewed a background paper containing the information presented in this amendment, and comments from each of the above meetings, and held a public hearing. The Council then took final action to recommend a suite of non-regulatory measures for the international management of fisheries which harvest bigeye tuna. The Council also reviewed and recommended a range of regulatory and non-regulatory measures for fisheries managed under the Pelagics FMP.

In August 2005, the Scientific Committee of the Western and Central Pacific Fishery Commission reviewed stock assessments for Western and Central Pacific bigeye, yellowfin and skipjack tunas, and South Pacific albacore tuna. The conclusion for bigeye tuna remained more or less unchanged, but yellowfin was found to be likely being subjected to overfishing, although the biomass of the stock was still well above the biomass at MSY. Subsequently, National Marine Fisheries Service (NMFS) Pacific Islands Fisheries Science Center (PIFSC) advised the NMFS Pacific Islands Regional Office (PIRO) that yellowfin tuna was being subjected to unsustainably high levels of fishing mortality in the Pacific. At its 129th Council meeting in Guam in November 2005, the Council adopted the following recommendation:

In anticipation of currently available data, the Council anticipates NMFS will determine that overfishing of yellowfin tuna is occurring in the Pacific Ocean. Therefore, the Council recommended applying to fishing for yellowfin tuna the management measures in draft Amendment 14 to the PFMP that the Council recommended for bigeye, be applied to address overfishing for yellowfin tuna. The Council directed staff to revise Amendment 14 accordingly and transmit the revised Amendment to NMFS for review, approval and implementation,

This iteration of Amendment 14 has therefore been revised to include yellowfin, as recommended by the Council.

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8.0 Management Recommendations for International Fisheries

The goal of the Council is to take appropriate action to address its statutory requirement under the Magnuson Stevens Act to address overfishing of Pacific bigeye and yellowfin tunas in a cost-effective and equitable manner. Following general management, research and monitoring recommendations for Pacific bigeye yellowfin tunas, management recommendations for the WCPO and the EPO are discussed separately below as each is subject to different management authorities (the WCPFC in the Western and Central Pacific and the IATTC in the Eastern Pacific). Recommendations for domestic fisheries are discussed in Section 9.0. The Council recommends that the United States promote the following measures in the international arena.

8.1 General Recommendations for the Management, Monitoring and Research of Bigeye and Yellowfin Tunas in the Pacific Ocean

These recommendations are consistent with requirements of the MSA and its National Standards. For example, providing consistency between the Western and Central Pacific Ocean (WCPO) and Eastern Pacific Ocean (EPO) is appropriate under National Standards 3, 5, and 7. Further it is essential to avoid confusion and potential conflict between the Western and Central Pacific Fishery Commission and the Inter-American Tropical Tuna Commission (IATTC) with respect to management measures regarding bigeye and yellowfin tuna. Moreover, the areas of competence of these two Regional Fishery Management Organizations (RFMOs) overlap in the South Pacific so it is essential that management measures are harmonized as far as possible.

Recommendations such as focusing on the fisheries with the greatest impacts and on the regions of highest catches and spawning areas, reducing surplus capacity and restricting the use of purse seine FADs are designed to identify those measures that will have a measurable impact on bigeye and yellowfin tuna conservation. Similarly, an exemption for those fleets that catch less than 1% of the total from some or all measures recognizes the need to avoid overly burdening those fleets and countries which are peripheral in generating fishing mortality for bigeye tuna.

Reduction of fishing capacity is a recognized goal and NMFS has stated that its target is to eliminate or significantly reduce overcapacity in 25% of federally managed fisheries by the end of 2009 and in a substantial majority of fisheries in the following decade (NMFS 2004)¹. There is known to be an excess of purse seine capacity for skipjack tuna, as recognized by a 2001 resolution by the World Tuna Purse Seine Organization to a 35% reduction in fishing effort by member countries. Although the purse seine vessels are targeting skipjack rather than bigeye tuna, they are a major contributor to fishing mortality through catches of juveniles around FADs. Consequently reduction of purse seine fishing capacity overall would likely have a marked conservation benefit for bigeye and yellowfin tuna. In this regard, the IATTC promulgated resolutions in 2000 and 2003 to limit fishing capacity of purse seine vessels operating in the Eastern Pacific. The IATTC established a target of 158,000 m³ (well volume) for the total purse seine fleet in the Eastern Pacific, but which took into account stock status and the rights of coastal States and other States with a longstanding and significant interest in the tuna fisheries of the Eastern Pacific to develop and maintain their own tuna fishing industries.

Restricting the use of FADs by purse seine vessels in the Pacific, to aggregate skipjack tuna, will reduce the overall catch of bigeye and yellowfin tunas, and specifically the catches of juvenile bigeye and yellowfin tunas, which also aggregate beneath FADs. It is expected that this reduction in juvenile bigeye catch will likely improve recruitment of bigeye tuna to the longline fishery, where fish are caught at larger sizes and at higher value. It is also likely that a reduction in FAD-associated harvests of juvenile and sub-adult yellowfin tuna will improve recruitment of yellowfin to longline fisheries and purse seine landings of larger, higher value yellowfin. Improvements to spawning stock biomass for both species would also result. Similarly, any measure designed to develop time/area closures in spawning grounds or areas of high juvenile

¹ United States National Plan Of Action For The Management Of Fishing Capacity
August 2004 Department of Commerce National Oceanic and Atmospheric Administration National Marine Fisheries Service

bigeye and yellowfin tuna densities would reduce fishing mortality on spawning fish and reduce the catch of juvenile fish before they had a chance to recruit to the longline fishery. The area of the southern Philippines, Indonesia and Papua New Guinea (PNG) are highly relevant as they have large-scale longline and FAD-based surface fisheries and are situated in the core area of WCPO spawning and juvenile development for both species. While fishery data collection and reporting mechanisms are well developed in PNG, significant improvements to species specific catch and effort data in the Philippines and Indonesia are urgently required.

The MSA's National Standard 1 established a process for the use of biomass based reference points and fishing mortality limits to determine whether fisheries are overfished or subject to overfishing. In the absence of existing reference points from the RFMO's, the Council's reference points for bigeye and yellowfin tunas should be advanced for consideration by the WCPFC and the IATTC. This will be useful to the Council as, at this time, outputs from these stock assessments generate the reference points used in the Council's overfishing control rule. In addition, the Pacific Council also has similar status reference points for highly migratory species such as bigeye and yellowfin tunas in the Eastern Pacific Ocean. Moreover, the United States as a member of regional fishery management organizations should establish and adhere to general principles to guide the U.S. in developing and promoting conservation and management programs and associated monitoring and compliance, The Council recommends the following:

General recommendations for management and monitoring:

- i. Use science-based measures that consider historical participation, and provide for sustained participation by local communities**
- ii. Strive for consistent measures (e.g. WCPO and EPO) where possible**
- iii. Focus on fisheries with greatest impacts**
- iv. Focus on regions of highest catches and spawning areas**
- v. Reduce surplus capacity**
- vi. Restrict the use of purse seine FADs**
- vii. Consider exempting fleets that catch less than 1% of the total from some or all measures**
- viii. Improve species specific fishery monitoring**
- ix. Establish standardized vessel registry system for the WCPO**
- x. To the extent practicable the US should seek RFMO decisions that are consistent with National Standard 1 of the MSA and its guidelines as codified**

Half of the elements in this list, (ii-vi) are concerned with minimizing fishing mortality of bigeye and yellowfin tunas in the Western and Central Pacific Ocean, while the remainder are concerned with participation, monitoring and management of pelagic fishing. With respect to principles and priorities for research and data collection, the Council recommends that the US should also promote the following:

General recommendations for research:

- i. Determine consistent science-based reference points that are appropriate for management use. In the absence of international reference points, promote the establishment and application of MSY based reference points and associated control rules with respect to preventing and ending overfishing**

- ii. **Improve stock assessments through better use of region specific information and better understanding of recruitment**
- iii. **Promote pan-Pacific assessments that provide region specific information**
- iv. **Improve understanding of population responses and fishery impacts of FADs**
- v. **Investigate gear and fishing characteristics of vessels with above-average CPUE**
- vi. **Collect and define vessel and gear attributes useful for effort standardization for all fleets**
- vii. **Define total costs of management on governments and participants**

8.2 Council Management Protocol for Pacific Bigeye and Yellowfin Tunas

The role of Pacific-based US domestic fishery management Councils has become particularly important with the advent of the Western and Central Pacific Fisheries Commission in 2004, as the entire Western Pacific Region's EEZ waters are contained within the boundaries of the WCPFC area of management competence, although some longline fishing by Hawaii-based longline vessels does occur in the EPO. The Inter-American Tropical Tuna Commission has already begun to implement management measures for bigeye tuna, commencing with seasonal closures of purse seine fishing and bigeye tuna quotas for US longline vessels (both Hawaii-based and California-based) for the years 2004-2006. A formal Council management protocol for the development of input and recommendations that will be provided to the U.S. delegations and U.S. representatives to the RFMOs, in support of U.S. proposals for international management agreements is needed to ensure that both the WPFMC and PFMC are informed and afforded the opportunity to substantively participate in all of the activities leading up to the development and implementation of U.S. proposals for international management².

The adoption of a formal management protocol creates a mechanism and a timetable for the Council to review the status of stocks, to consider and advise on impending RFMO actions, to deliberate on the Council's own proposals for conservation and management, to inform NMFS and the Department of State about the Council's positions and concerns, to participate in international meetings, and to apply their expertise in the subsequent implementation of any resultant agreements. The amendment is intended to provide a solid basis for collaboration of the Council with its partners (NMFS, DOS) to ensure

- effective involvement of the Council on behalf of its constituents and members in the development of U.S. positions in RFMOs;
- a good track record for the Council's use in generating inputs to the U.S. positions and for the Council's subsequent use in determining what if any conservation and management measures are needed; and
- a process that NMFS and DOS can point to as having obtained solid advice from constituents in carrying out U.S. obligations under international treaties.

² . During the drafting of this amendment the staff from the Western Pacific Regional Fishery Management Council were included in the delegations to the June 2005 meeting of the IATTC and the Western & Central Pacific Fishery Commission's second meeting in December 2005.

Excerpts From DRAFT Pelagics FMP Amendment 14

This management protocol must be synchronized with both RFMO and Council meetings to ensure adequate review prior to and following RFMO meetings. Without such a process, the Council would have to continue to respond in an *ad hoc* manner to fishery management requirements stemming from RFMOs in the Pacific. The Council would still seek the opportunity to review and comment on management proposals and to advance its own recommendations for US proposals to RFMOs, but an *ad hoc* process is inefficient and untimely, and runs the risk of marginalizing the Councils' role in developing proposals for international management. Moreover, an *ad hoc* process does not provide a framework for collaboration between the DoS, NMFS and the Councils that is necessary to ensure that the Council's views are fully considered.

The following issues and criteria were considered in the development of the protocol

- Likelihood of Effectiveness in RFMOs
- Timeliness
- Completeness of Inputs
- Transparency of Decision Making
- Linkage of International and MSA Authorities
- Credibility with Stakeholders

Council management protocol for international management of Pacific highly migratory pelagic species:

- a. **The Council participates on US delegations to Regional Fishery Management Organizations (RFMOs e.g. IATTC and WCPFC) in the Pacific Ocean and is included in all pre and post meetings and negotiations.**
- b. **The Council and NMFS monitor RFMO meetings and actions and relevant fisheries, Council becomes aware of a need for management action or receives notice from NMFS or the RFMO directly of a need for such action, with supporting documentation.**
- c. **Council reviews information from RFMO, NMFS, and other sources concerning stock assessment, area of consideration, fishery issues and data supporting determinations, and the role of US fisheries in causing or contributing to overfishing.**
- d. **NMFS provides formal notice and time frame for Council action within MSFMCA and RFMO frameworks.**
- e. **Council refers information to its Pelagics Plan Team, Advisory Panel(s), SSC and other advisors for review and advice with focus on:**
 - **Definition and condition of the stock or other fishery management unit, and the issue of concern (e.g., overfishing, bycatch, allocation, etc.),**
 - **Possible reasons for the situation including fishery and environmental conditions that may be relevant to the stock condition or other management concern,**

Excerpts From DRAFT Pelagics FMP Amendment 14

- **Relative role of US fisheries in overall stock harvests and management situation,**
 - **Existing conservation and management measures of the RFMO with jurisdiction over the stock or fishery involved,**
 - **Possible multi-lateral measures to avoid or end overfishing, rebuild the stock, or resolve other management concerns,**
- f. Council's PPT, AP, SSC and other advisory bodies recommend possible domestic and international fishery conservation and management measures, including a comparison and evaluation of alternative measures including distinctions between Pacific-wide, regional, and local measure's effects and effectiveness.**
- g. Council makes initial decision on how to address problem (initial action).**
- h. Draft document is distributed for public review and advice.**
- i. Council makes formal recommendations to NMFS and the Department of State on:**
- **domestic regulations**
 - **international actions**
- j. Council drafts a position paper on how RFMOs should address the situation (the position paper should clearly and forcefully state the Council's recommendation on every substantial issue).**
- k. Council presents its position within the US delegation to the RFMO.**
- l. RFMO meets and acts on fishery conservation and management needs in the international arena.**
- m. Council considers RFMO actions, US government positions and requirements under applicable treaties and MSA.**
- n. Council determines appropriate regulatory response for domestic fisheries consistent with international agreements and MSA.**
- o. Council takes final action (if any) to recommend regulations for NMFS' approval and implementation**
- p. NMFS implements approved recommendations**

8.3 Recommendations to Reduce Bigeye and Yellowfin Tuna Fishing Mortality in the WCPO

The international Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean was opened for signature on September 5, 2000. The objective of the Convention is to assure the long-term conservation and sustainability of pelagic resources in the WCPO. The Convention entered into force on April 19, 2004 and the

first session of the Commission was held in Pohnpei, Federated States of Micronesia December 9-10, 2004. The Convention establishes a Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, now more commonly referred to as the Western and Central Pacific Fishery Commission (WCPFC). Initial staffing for the Commission is in progress at its site in Pohnpei, FSM. A noteworthy aspect of the Convention is the fact that it will exercise management control into the high seas zones outside national EEZs in contrast to some other regional fishery management organizations.

At this point, the United States has not yet fully ratified the convention, and is participating as a cooperating non-member. The Senate ratified the terms of the Convention establishing the new Commission but Congress and the President have yet to sign the implementing legislation before the articles of association can be lodged with the depository (Government of New Zealand) and full membership achieved.

At its meetings in 2005, the Council recommended a reduction in fishing effort to 1999 levels, although the WCPFC, at its second meeting in December 2005 subsequently selected the base year as either 2004 or the average of 2001-2004 for longliner catch and purse seine fishing effort. Rolling back fishing effort to 1999 levels in the Western and Central Pacific would not have had a major impact on US pelagic fisheries in the region. The Hawaii-based longline fishery has operated under a limited entry program since 1994, while the actual number of vessels operating in 1999 was about 120, the same as at present. However, longline bigeye catch was only 2,717 mt, compared to 4,159 mt in 2004. The fleet of US purse seiners operating in the Western and Central Pacific comprised 36 vessels in 1999 versus only 14 vessels operating in 2005. However, the one fleet where participation increased significantly from 1999 onwards was the American Samoa longline fishery, which increased from 22 vessels to 61 vessels by 2001. However, this fleet does not target bigeye and yellowfin tunas, which it catches in relatively modest quantities, currently amounting to about 227 mt and 888 mt respectively in 2004. Moreover, the convention that established the WCPFC also contained provisions for management measures to take into account the desire of small island nations and territories developing their pelagic fisheries. Any rollback to 1999 levels of fishing effort would therefore have to consider these factors for American Samoa.

The following recommendations recognize the need for immediate reductions in bigeye and yellowfin fishing mortality, in conjunction with in larger reductions on a phased approach. The objective of the short term goal is to keep the fishery at MSY and minimize overfishing. Reducing biomass below $B_{\text{current}}/B_{\text{msy}}$ does not mean the stock is overfished, since the overfishing reference point is set at some fraction of B_{current} B/B_{msy} . However, unlike the biomass element of the overfishing control rule, there is no buffer zone for fishing mortality (F). Should F/F_{msy} be exceeded then overfishing on the stock is occurring. Moreover, there are currently no controls in place on fishing mortality in either the Western and Central Pacific or Eastern Pacific, requiring control mechanisms to be implemented to cap and then reduce F . In the Western and Central Pacific fishing mortality for bigeye is about 20% higher than F_{msy} and the equivalent long term average catches consistent with F_{msy} are about 67% of current catch levels (WCPFC 2005). Similarly fishing mortality for yellowfin in the Western and Central Pacific is about 18% higher than F_{msy} and the equivalent long term average catches consistent with F_{msy} are about 65% of current catch levels. When a fishery is overfished, the MSA requires a rebuilding plan with a

specified time limit which must not exceed 10 years except where circumstances dictate a longer time period. There is no similar time limit requirement to end overfishing on a still healthy stock, and therefore the length of time required to end overfishing will be contingent on whatever management actions are taken. However, taking the 10 year time limit as a benchmark, analyses presented in WCPFC 2005 suggest that restrictions on sets on floating objects such as fish aggregating devices (FADs) and logs in the equatorial and tropical western Pacific, if implemented in the near future could potentially lead to the recovery of the bigeye and yellowfin stocks within 5-10 years..

Recommendations for WCPO management measures

- a. Short term: cap and roll back fishing effort (e.g. number of vessels) to 1999 levels)³**
- b. Long term: reduce levels of fishing mortality to sustainable levels. If quotas are established they should transferable within countries⁴.**
- c. Require that fish aggregating devices used by purse seiners be registered and limited in number⁵.**
- d. Give consideration to allow for the development of emerging Pacific Island fisheries⁶.**

³ . As noted in the text, the WCPFC decided at its second meeting in December 2005 not to set caps for longline effort, electing instead to cap catches for the period 2006-2008 at the 2004 levels for China and the USA and the annual average of 2001-2004 catches for the other CCMs. The WCPFC required CCMs to ensure that purse seine effort levels between 2006 and 2008 do not exceed either 2004 levels or the average of 2001-2004 levels in waters under their national jurisdiction. The WCPFC undertook to implement compatible measures to ensure that purse seine do not exceed 2004 levels on the high seas in the Convention Area or the total fishing capacity will not increase in the Convention Area. Pacific Islands countries who are Parties to the Nauru Agreement (PNA), will implement the purse seine effort limits by a Vessel Day Scheme that will limit days fished to a level no greater than 2004 levels and will be fully implemented by 1 December 2007. Other non-PNA member countries will implement similar measures to limit purse seine effort in waters under their jurisdiction to no greater than 2004 levels, or to the average of 2001 to 2004 levels. Further, in order to achieve the overall reduction in catch and effort required for bigeye and yellowfin tuna, in accordance with advice and recommendations received from the Scientific Committee, the WCPFC Executive Director will work with CCMs during 2006 to develop a proposal for consideration at the Third Session of the Commission that is consistent with the IATTC arrangements that allow for a system of temporary purse seine closures.

⁴ . The longline catch limits set for bigeye by WCPFC in 2005 and IATTC in 2004 were at the national level and it is each country's prerogative how these might be divided up between national fleets.

⁵ . At the WCPFC meeting in December 2005, the WCPFC also required CCMs to develop management plans for the use of FADs (anchored and drifting) within waters under national jurisdiction which shall be submitted to the Commission, which will include registration and may include limits on numbers deployed. However, this falls far short of the management advice given to WCPFC from the Science Committee meeting in August 2005, which recommended major redirection of purse seine effort from FAD sets to unassociated schools.

⁶ . The conservation and management decisions adopted by the WCPFC in December 2005 for bigeye, yellowfin and albacore tunas contain language which states that nothing in the language of these measures prejudice the legitimate rights and obligations of those small island state Members and participating territories in the Convention Area seeking to develop their own domestic fisheries.

Recommendations a-c are concerned with reducing fishing effort and hence fishing mortality. Given the volume of overfishing on bigeye and yellowfin tunas, it is unlikely that wholesale reductions in the order described above can be achieved in the short term, hence the need, as outlined in a, to establish a reasonable short term target to ensure that overfishing on bigeye and yellowfin tuna does not increase by unconstrained expansion of fishing. This should be followed by sustained reduction in fishing for bigeye, likely through attrition of fleets, although mindful that some expansion of fishing is also likely by emergent fishing nations in the Pacific Islands. As noted earlier, the use of FADs by purse seiners targeting skipjack is known to be a significant contribution to bigeye fishing mortality, especially on juvenile bigeye and yellowfin. Restricting FAD use will therefore have significant reduction of fishing mortality on the bigeye and yellowfin stock as a whole. Allowing for expansion of emerging Pacific Islands fisheries appears to be at odds with the overall conservation objectives that need to be adopted for bigeye and yellowfin tuna. However, the text of the convention establishing the WCPFC explicitly recognizes the aspirations of the Pacific Islands to participate in tuna fisheries, rather than simply be resource owners. Balancing these aspirations and the expansion of Pacific Island fisheries (which is already happening) will be difficult challenge for the new Commission. However, it may be possible to match this expansion with controlling the additional deployment of FADs to minimize the volumes of juvenile bigeye and yellow tuna catch.

The Council recommendations regarding quotas include a provision that would allow quotas to be transferred within countries between fishing vessels or fleets, this allows countries to implement and allocate their quotas according to domestic objectives and conditions.

8.4 Recommendations to Reduce Bigeye and Yellowfin Fishing Mortality in the EPO

As discussed above, in 2004 the IATTC implemented measures to conserve bigeye and yellowfin tunas in the Eastern Pacific Ocean in 2004. This includes two six week periods in the year when purse seine fishing is closed and a quota for US and other longline fleets when fishing in the EPO. The purse seine closures extend from 1 August to 11 September; or from 0000 hours on 20 November to 31 December. Purse seine fleets from Bolivia, Ecuador, El Salvador, Honduras, Peru elected to close their fisheries in the August-September closure, while fleets from Guatemala Mexico, Nicaragua, Panama, Spain, United States, Vanuatu, Venezuela elected not to fish during the November-December closure.

The fleet-wide longline quotas were based on each country's 2001 longline catch, however 2001 US longline catches in the EPO were at almost record low levels (Table 1) due to litigation and management measures regarding sea turtle conservation, which minimized swordfish longline fishing and at one stage shut the entire Hawaii-based longline fishery for two weeks.

Table 1. EPO longline catches of bigeye tuna (metric tons IATTC).

Year	Japan	South Korea	Taiwan	China	Other fleets	USA	Total
1999	22,224	9,431	910	660	961	228	34,414
2000	27,929	13,280	5,214	1,320	3,719	162	51,624
2001	37,493	12,576	7,953	2,639	4,169	147	64,977
2002	33,794	10,358	16,692	7,351	3,597	132	71,924
2003	20,517	10,272	12,501	10,065	1,292	232	54,879
Total	141,957	55,917	43,270	22,035	13,738	901	277,818
Percent of total	51.1%	20.13%	15.57%	7.93%	4.94%	0.32%	100%

Successful implementation of quotas require real time monitoring of catches coupled with the ability to quickly recall fishing vessels when the quota is reached. The US does not have any system of real time reporting of catches, which are reported through logbooks. The vessels of other fleets, particularly those of Japan, China and Taiwan make daily reports to their companies so that quotas can be monitored in real time. Real time reporting of US catches could be possible if there was daily catch reporting by Hawaii longline vessels or 100% observer coverage on all vessels. However, the imposition of this quota on US longline fisheries whose catch has averaged less than 1% of EPO longline catches has little conservation benefit for bigeye tuna in the EPO, while exacting a considerable cost to monitor the quota. As was demonstrated in 2004, this can be difficult as the US fishery was not closed until three months after the 150 mt limit was reached, and with an eventual total catch in excess of 180 mt..

Given that the IATTC appears committed to the use of quotas for the foreseeable future, the Council made the following recommendations. These recommendations are designed to target management measures on those fleets and countries that have significant impacts on bigeye mortality and to avoid overly burdening those that do not. The exemption from the quota in options b and c will have no impact on ending or minimizing bigeye tuna overfishing, but are designed to minimize the burden of requiring real-time monitoring of bigeye tuna catches.

Maunder & Hoyle (2005) state that the average MSY of bigeye in the EPO could be maximized if the age-specific selectivity pattern were similar to that for the longline fishery that operates south of 15°N because it catches individuals close to the critical size. All analyses considered suggest that at the start of 2004 the spawning biomass was below the level that would be present if the stock were producing the average MSY. The average MSY and the fishing mortality (F) multiplier are sensitive to how the assessment model is parameterized, the data that are included in the assessment, and the periods assumed to represent average fishing mortality, but under all scenarios considered, fishing mortality is well above the level that will produce the average MSY. Presently the purse-seine fishery on floating objects has the greatest impact on the bigeye tuna stock. Restrictions that apply only to a single fishery (e.g. longline or purse-seine), particularly restrictions on longline fisheries, are predicted to be insufficient to allow the stock to rebuild to levels that will support the average MSY. Large (50%) reductions in effort (on bigeye tuna) from the purse-seine fishery will allow the stock to rebuild towards the average MSY level, but restrictions on both longline and purse-seine fisheries are necessary to rebuild the stock to the

average MSY level in ten years. Simulations suggest that the restrictions imposed by the 2003 Resolution on the Conservation of Tuna in the EPO will not be sufficient to rebuild the stock. Projections indicate that, if fishing mortality rates continue at their recent (2002 and 2003) levels, longline catches and spawning biomass ratio (SBR) will decrease to extremely low levels. As the base case does not include a stock recruitment relationship, recruitment will not decline, so purse-seine catches are predicted to decline only slightly from recent levels under this model.

For yellowfin tuna, Hoyle & Maunder (2005) state that under the 2004 levels of effort, biomass is not predicted to change significantly over the next 5 years. The spawning biomass ratio (SBR) is predicted to remain below the level that will produce the average MSY, though the confidence intervals on the future SBR include the SBR level at average MSY. The impacts of the purse seine closures implemented by the IATTC in 2004 are predicted to result in slightly higher biomass and SBR than would otherwise have been the case. If a stock-recruitment relationship is assumed in the stock assessment, then the results suggests that effort levels are greater than those corresponding to the average MSY, however the yield at this effort level is still only 6% less than the average MSY.

Recommendations for EPO management measures

- a. Set EPO bigeye tuna longline catch quotas at 1999 levels.**
- b. Exempt fleets that take less than 1% of the total bigeye tuna catch in the EPO.**
- c. Exempt fleets that catch less than 550 mt of bigeye tuna annually in the EPO.**
- d. Provide the US longline fleet with a quota of 250 mt. of EPO bigeye tuna.**
- e. All recommendations include a provision in whatever management measures are adopted to permit the landing of a small volume of bigeye (e.g. 20-25 fish)⁷ when quotas are exceeded to minimize bycatch and waste by longliners not targeting bigeye. They also include a provision that whatever management measures are adapted should incorporate flexibility for nations to administer the longline quota in accordance with national legislation and sovereignty. This will allow the Council to apply their expertise to the allocation and implementation of domestic quotas as they apply to vessels operating under or in the Council's management authority.**

9.0 Management Recommendations for Domestic WPRFMC Fisheries

Sections 9 through 11 have been prepared as an Environmental Assessment in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969, to assess the impacts on the human environment that may result from the proposed action. As required by the Magnuson-Stevens Act, the purpose of this amendment is for the Council to take appropriate action to address bigeye and yellowfin tuna overfishing within one year of the notification by the

⁷ An average of 24 bigeye tuna were caught per swordfish trip by Hawaii-based longline vessels. Source: Ito, R.Y. & W.A. Machado. 2001. Annual report of the Hawaii-based longline fishery for 2000. NMFS SWFSC Admin. Rep. H-01-07.

Secretary that overfishing is occurring. With recognition of the limited capacity of the domestic fisheries to end overfishing, the need is for the Council to recommend an amendment or regulatory amendment to the Pelagics Fishery Management Plan to address this overfishing.

9.1 Recommendations for WPRFMC Pelagic Longline and Purse Seine Fisheries

Longline vessels managed by the WPRFMC (those based in Hawaii and American Samoa) caught approximately 2% of total reported Pacific bigeye landings in 2003 (see Table 16) and 0.15% of total Pacific yellowfin catches. This is largely because both of these fisheries are managed under limited entry programs including caps on the numbers of vessels as well as on vessel lengths. In addition, US longline vessels fishing in the EPO have been subject to a 150 mt annual bigeye quota since 2004. No foreign fishing is allowed in EEZ waters under the Council's jurisdiction and portions of EEZ waters around Hawaii and Guam are closed to domestic longliners. Given these regulatory controls in place for these fisheries (and associated low bigeye and yellowfin catch levels), and the fact that the necessary international actions required to end Pacific-wide overfishing are underway, the Council determined that it should continue to seek substantive participation (see Section 8.1) in the international management fora that are necessary to develop effective solutions to the Pacific-wide overfishing of bigeye. The Council also determined that further unilateral management actions for these domestic fisheries would be premature and would not have a meaningful effect on the Pacific-wide overfishing problem. However, given the potential for the development of domestic longline fisheries based in Guam or CNMI, as well as the potential for domestic purse seiners to fish in WPRFMC EEZ waters, the Council made the following recommendation:

Establish a control date of June 2, 2005 for domestic longline and purse seiners fishing in US EEZ waters in the Western Pacific region, including developing longline fisheries in Guam and CNMI.⁸

This control date does not bind the Council to establishing limited access or other management programs for these fisheries, but it does notify current and prospective fishery participants that additional management measures may be taken by the Council for these fisheries. The implementation of a control date is in recognition of the fact that unlimited expansion of purse seining and longline fishing is untenable with the conservation of bigeye and yellowfin tuna.

9.2 Recommendations for Other WPRFMC Pelagic Fisheries

Regarding small boat pelagic fisheries (i.e. non-longline and non-purse seine) managed by the Council in the Western Pacific region, based on their low catches of bigeye (0.11% of Pacific-wide longline and purse seine catches, see Table 16) and yellowfin (0.10% of Pacific-wide catches), the Council made no new recommendations regarding the activities of these fisheries. However, although reported and estimated bigeye and yellowfin tuna catches by Hawaii-based small boats are low; data for some sectors is believed to be incomplete due to non-reporting and is certainly often many months behind in collection, inputting, processing and availability to fishery scientists and managers. Thus the Council also considered a range of regulatory and non-

⁸ This control date has already been published in the Federal Register, Vol. 70, No. 156 Monday, August 15, 2005 / 47782 - 47783

Excerpts From DRAFT Pelagics FMP Amendment 14

regulatory measure designed to improve the available data regarding bigeye and yellowfin catch and effort by these fisheries. In sum, the Council considered the following alternatives for the management of the region's pelagic small boat fisheries:

1. No action

2. Implement management measures (quotas and bag limits, minimum sizes, gear restrictions) for small boat pelagic fisheries in the Western Pacific region.

3. Implement a federal permit and reporting program for all Hawaii-based pelagic small boat fishermen.

4. Implement a federal permit and reporting program for Hawaii-based offshore (Cross Seamount, NOAA Moorings, FADs) mixed-line pelagic small boat fishermen.

5. Implement a federal permit and reporting program for Hawaii-based recreational pelagic small boat fishermen.

6. Expand the Hawaii Marine Recreational Fisheries Survey for Hawaii-based boats.

7. Assist the State of Hawaii to improve its fishermen and dealer reporting systems.

8. Implement a targeted survey of all Hawaii-based pelagic small boat owners/ operators to obtain information on their fishing effort and catches (preferred).

9. Implement a voluntary reporting system for Hawaii-based recreational pelagic small boat fishermen (preferred).

10. Implement a federal permit and reporting program for Hawaii-based commercial pelagic small boat fishermen (preferred).

11. Establish a control date of June 2, 2005 for commercial pelagic Hawaii-based small boat fisheries (preferred).⁹

Although the Council considered the above alternatives in a comprehensive context (i.e. wherever such vessels operate) legal counsel has stated that the Council's authority does not extend into state waters and thus any resultant regulations would not apply in those areas.

⁹ This control date has already been published in the Federal Register, Vol. 70, No. 156 Monday, August 15, 2005, 47781 - 47782

BIGEYE TUNA OVERFISHING RESPONSE

National Marine Fisheries Service (NMFS) notified the Council that it must take action to address overfishing of bigeye tuna by June 14, 2005. A similar notification was given to the Western Pacific Fishery Management Council (WPFMC). At the June 2005 meeting, the Council moved to begin work on an amendment to the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS) as the proper response to address this issue. At the March 2006 meeting, NMFS recommended that before preparing the FMP amendment, the Council should first develop a position for consideration at the June 25–30 Inter-American Tropical Tuna Commission (IATTC) meeting. The Council could then develop an FMP amendment consistent with whatever action is taken by the IATTC relative to bigeye tuna.

At the March Council meeting, NMFS provided a Draft Analysis of Management Options for Development of a Plan to End Overfishing of Pacific Bigeye Tuna (Agenda Item J.2.a, Attachment 1, March 2006). This document was intended to provide the Council with the information needed to form a position that has the potential to influence any new conservation and management decisions adopted by the relevant international bodies governing bigeye tuna stocks in the eastern Pacific in future years. This draft paper was reviewed by the Council and its advisory bodies, recognizing that the Council would take final action to identify their recommendations at the April Council meeting. Based on this advice, the Council requested several clarifications in the description of the options, including how fleets would be defined for the purpose of the 1 percent exemption proposed under the options and measures applied to purse seine vessels. Similarly, it was recommended that the options be more explicit about whether proposed measures would apply to all U.S. vessels in the convention area (i.e., including Hawaii-based vessels) or just to West Coast vessels permitted under the HMS FMP. Agenda Item G.1.a, Attachment 1 is a revised version of the Draft Analysis intended to address these concerns.

It was also noted that the WPFMC has taken action on an FMP amendment to address bigeye overfishing. One option not considered in the Draft Analysis presented in April would be to adopt the WPFMC recommendations, or substantially similar recommendations, as this Council's overfishing response. This would facilitate an analysis of the effects of that proposal on Pacific Council-managed fisheries and a comparison of that proposal with the other options presented in the Draft Analysis. Agenda Item G.1.a, Attachment 2 excerpts sections from the WPFMC's Amendment 14 to their Pelagics FMP, addressing bigeye and yellowfin tuna overfishing. Section 4.2 describes the development of this amendment. Although the WPFMC took final action on this amendment at their May 31–June 2, 2005, meeting, subsequent information about the status of yellowfin tuna prompted them to delay transmittal so that a response could include this species. Section 8.0 describes their response for international fisheries, which is directly relevant to action by this Council. Although not directly applicable, Section 9.0, containing recommendations for domestic WPFMC fisheries, is included as supplemental information.

Council Task:

1. **Adopt Final Recommendations to the IATTC and provide further guidance, if necessary at this time, on the development of an FMP amendment.**

Reference Materials:

1. Agenda Item G.1.a, Attachment 1: Analysis of Management Options for Development of a Plan to End Overfishing of Pacific Bigeye Tuna
2. Agenda Item G.1.a, Attachment 2: Excerpts from Draft Amendment 14 to the WPFMC Pelagics FMP

Agenda Order:

- a. Agenda Item Overview
- b. NMFS Report
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. **Council Action:** Adopt Final Recommendations to the IATTC

Kit Dahl
Mark Helvey

PFMC
03/20/06

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON BIGEYE TUNA OVERFISHING RESPONSE

The Highly Migratory Species Management Team (HMSMT) reviewed the revised “Analysis of Management Options for Development of a Plan to End Overfishing of Pacific Bigeye Tuna in the Eastern Pacific Ocean” (Agenda Item G.1.a, Attachment 1), and has identified some issues, which will likely be discussed during the Inter-American Tropical Tuna Commission (IATTC) process, that could significantly affect portions or all of the U.S. fisheries that catch bigeye tuna. The HMSMT would like to highlight the following issues for the Council’s consideration:

Definition of “Fleet”

One of the primary issues for consideration is the definition of a “fleet” in the IATTC’s resolution and whether this would include all vessels fishing for one nation regardless of gear type, or if a “fleet” refers to a geographical area or a gear type (e.g., purse seine separate from longline). While the separation of areas and/or gear types may be attractive to some, especially if Option 3 is selected (which exempts “fleets” that catch < 1% of total bigeye catch), there are potential problems that may result from this approach, including: 1) Allowing other nations to subdivide their fleets—as a result, an unknown, but potentially significant, number of fleets could be “exempt” and the problem of bigeye tuna overfishing may not be adequately addressed; and 2) Limiting or capping the catch of a narrowly defined fleet (e.g., West Coast-based purse seine) may be constraining, whereas a shared cap for U.S. vessels may provide some flexibility.

< 1% Exemption

The HMSMT is unsure how the 1% exemption in Option 3 could affect the U.S. fisheries, and has identified these issues:

- 1) If the U.S. claims exemption for their fleet(s), then the argument might be made that an allocation of bigeye tuna for the U.S. is not needed. This could affect the U.S. fisheries in the future, should a new stock assessment produce a higher yield and/or if overfishing is adequately addressed through other means (e.g., limited entry programs);
- 2) The cumulative effects of the exemptions need to be addressed—e.g., as listed in Table 3. in the analysis, if the U.S. longline fleet is exempt, and the individual fleets in the “other fleets” category are exempt, then there is a cumulative total of over 5% of the catch being exempt. The cumulative effect of these exemptions should be examined to ensure that bigeye tuna overfishing would still be adequately addressed;
- 3) Because effort in these fisheries is not limited, the U.S. fleets that currently meet the exemption requirements now may not meet them in the future. How this is addressed (e.g., the duration of the exemption) needs to be further explored;
- 4) If an exemption is adopted, there needs to be a clear description of the specific vessels that would be exempt and/or a control date for which the exemption is based upon (e.g., all vessels that caught bigeye tuna prior to April 2006); and

- 5) If a nation's fleet met the 1% exemption criteria, but its national cap was higher than 1% of the total catch limit, then there would be a potential to increase bigeye tuna catches, while that nation's fleet was exempt from the fishing restrictions. This would appear to conflict with the overall purpose and objective; therefore, if a nation's fleet is exempt, then it would make sense to have its cap be 1% of the total catch limit (or less, which could be based on historical or recent catch levels).

Increased Effort and Limited Entry

The HMSMT notes that, while there are only three large West Coast-based purse seine vessels that catch appreciable amounts of bigeye tuna in the Eastern Pacific Ocean (EPO), there is the potential for additional West Coast-based vessels to enter the fishery, as well as 12-15 active vessels from the Western Pacific to move into the EPO. Given this potential for increased effort, the HMSMT believes it would be prudent to discuss how this will be addressed (i.e., development of a longer-term plan) in cooperation with the Western Pacific Fishery Management Council and the NMFS Pacific Islands Region.

The HMSMT is concerned that a blanket EPO seasonal closure on purse seine vessels that fish for tropical tunas may disadvantage the southern California based small purse seine fishery. This fishery relies on seasonal availability of tropical tunas (e.g., yellowfin, bluefin, skipjack) in the southern California Bight for added income and the percentage of bigeye in these seasonal catches is near zero. As there is also the potential for the West Coast small vessel purse seine fishery to incidentally encounter bigeye while targeting tropical tuna, there should be a consideration for an incidental catch allowance by these vessels, to avoid an increase in bycatch.

Also, if there are catch limits imposed, then there could be a need for increased monitoring of the fisheries and real-time catch reporting to ensure that the catch limits are not exceeded. It is not clear whether there are mechanisms and funding in place to accommodate the increased monitoring and reporting levels.

Target vs. Catch

Another issue is the use of the term "target"—Tables 1. and 2. in the analysis refer to vessels "targeting tropical tuna." As fleets are defined, the regulations need to address how to determine whether a vessel is "targeting" bigeye tuna. For example, a percentage of the landing, by weight, could be used and, again, vessels that occasionally catch incidental amounts could be provided an incidental catch allowance.

Options and Conclusions

With regard to the different options in the analysis, the HMSMT notes that it is unclear whether the sub-options (a, b, and c) listed in Option 2 should be considered separately (they are listed as and/or) or if they all need to be in place to address bigeye tuna overfishing. Also, it is unclear whether the same six-month period would be chosen for the area closures listed in sub-option (a) and (b), and the effects of the different configurations on the purse seine fleets.

Based on the information presented in the analysis, the HMSMT drew the following conclusions about the options:

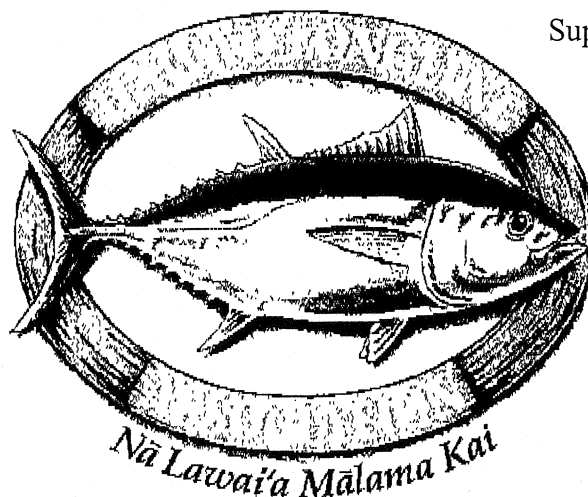
- Option 1 (No Action) should not be considered, as it does not meet the requirements of the Magnuson-Stevens Fishery Conservation and Management Act.
- Option 2 alone may not be enough to end bigeye tuna overfishing in the EPO.
- It is unclear whether Option 3 would end bigeye tuna overfishing in the EPO and/or whether Option 3 in combination with the WPFMC action for the Western Pacific would end bigeye tuna overfishing Pacific-wide.
- Option 4 (establishing a control date) is more of a longer-term measure that could be considered following the IATTC's action.
- Option 5 (close all Pacific Council fisheries that target bigeye in the EPO) should not be considered, as it would place an unfair burden on West Coast-based fleets that catch insignificant amounts of bigeye.
- Option 6 (which includes a portion of Option 2 plus the < 1% exemption in Option 3) may not be enough to end bigeye overfishing, since Option 2 in its entirety was insufficient; however, this is not explicitly stated.

HMSMT Recommendations:

1. In all cases, support international action (as opposed to unilateral action) that would end bigeye tuna overfishing in the EPO.
2. Support a hybrid of Options 2 and 3 that would include everything in Option 2 plus the establishment of an annual international fishing quota (total allowable catch), but, at this point, would not include the exemption for fleets that caught 1% or less of the total Pacific bigeye tuna landings in the EPO. In general, the HMSMT supports the intent of exempting fleets that have had minimal impacts on an internationally managed stock; however, there is not enough information about how this would be implemented to evaluate the trade-offs associated with this exemption proposal. Because of the number of nations that target bigeye tuna and the lack of clarity about how a fleet would be defined, allowing this exemption could conflict with accomplishing the objective—that is, to end overfishing of bigeye tuna.
3. Support a definition of “fleet” that includes all of the vessels fishing under one nation, regardless of area or gear type.
4. Support an exemption for small purse seine vessels (e.g., by applying the purse seine area closures to vessels with a minimum length or size).
5. Support adoption of an incidental catch allowance for vessels that could encounter incidental amounts of bigeye tuna, such as small vessel purse seine, while targeting other tropical tunas.

6. Support Option 4 to establish a control date and develop a limited entry plan to address conservation of bigeye tuna over the longer-term. The HMSMT would then develop and analyze alternatives for limited entry for the Council's consideration.
7. Work with WPFMC and NMFS Regional Offices—Southwest Region and Pacific Island Region—to cooperatively address the overfishing of bigeye tuna Pacific-wide. Under Option 6, it is our understanding that there is the potential to add the IATTC's action to the WPFMC's Amendment 14 to address bigeye overfishing throughout the Pacific. If possible, the Pacific Council should take advantage of this opportunity so there is a comprehensive description and analysis of the actions taken in both the Western Pacific and EPO that, in combination, end overfishing of bigeye tuna.

PPMC
04/05/06



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Mr. Donald Hansen, Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, OR 97220-1384

April 3, 2006

Dear Chairman Hansen and Members of the Pacific Fishery Management Council:

The Hawaii Longline Association offers the following comments on the Analysis of Management Options for Development of a Plan to End Overfishing of Pacific Bigeye Tuna in the Eastern Pacific Ocean (BET Analysis).

The Hawaii Longline Association (HLA) was formed in the year 2000 to advance the common interest of individuals and entities involved in the Hawaii-based commercial longline fishery, and to promote participation and input by industry in fishery conservation and management. HLA recognizes that uncontrolled fishing could threaten the fish stocks on which we depend and, accordingly, supports the goals of fishery management. HLA has supported the regional fishery management council process over the years because the process is open and inclusive, and Councils' decisions and recommendations are generally based on sound science. We anticipate that this constructive process will continue, and as long as it does, we commend you and will support you.

HLA has a direct interest in the conservation of Pacific bigeye tuna throughout the Pacific as its members comprise the principal U.S. fleet targeting bigeye. Through the limited entry program that has been in effect in the Hawaii longline fishery since 1994, the United States has responsibly managed the growth potential of our fishery in order to ensure overfishing in our fishery does not occur. Under this program, the number of vessels that may participate in the fishery, as well as vessel length, are capped. As a result, the U.S. longline fleet in the Eastern Pacific Ocean (EPO) has remained small, and

its proportion of the bigeye catch in the EPO remains less than one percent. Current concerns regarding overfishing of bigeye in the Pacific are attributable to the growth of foreign longline fisheries that have not been subject to limited entry requirements, and to the incidental catch of juvenile bigeye by purse seine vessels.

As indicated in the BET Analysis, U.S. longline fishermen, most of which operate out of Hawaii, are now limited to a very small quota of bigeye in the EPO, a result of action by the Inter-American Tropical Tuna Commission (IATTC) to limit fisheries in 2004-2006. This quota is based on 2001 catch levels for IATTC members, and was intended to reduce harvests by nations that had greatly expanded their fishing after that year. However, the U.S. longline fleet had already responsibly managed its growth potential through the limited entry program, and had experienced an unusually poor fishery in the EPO in 2001 compared to earlier and later years. Many factors contributed to this situation, including litigation and fishery closures that affected overall fishing effort, and the catch of unusually small fish, such that the tonnage of catch was disproportionately low relative to actual numbers of fish caught. The low quota imposed under the IATTC has, in turn, disproportionately affected the U.S. fishery because of both the stability of the U.S. fleet's size and effort under our limited entry program, and the anomalously low catch experienced in the year used by the IATTC to set its quotas.

HLA recognizes that the Magnuson-Stevens Fishery Conservation and Management Act (MSA) imposes an obligation on your Council, and the Western Pacific Regional Fishery Management Council (WPRFMC), to support measures to address overfishing in the fisheries under each council's jurisdiction and management. As you know, however, and as is pointed out in the BET Analysis, unilateral action by the United States will have negligible effect on the Pacific bigeye tuna stock. Effective measures to end overfishing of bigeye in the Pacific can only occur at the international level. Because the domestic longline fishery is not overfishing bigeye in the EPO, we believe the Council should develop recommendations for responsible international action. After international action is taken, the Council should then consider domestic controls appropriate to and consistent with your FMP for Highly Migratory Species, the MSA and U.S. treaty obligations.

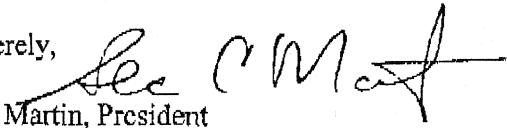
HLA notes that the Analysis (unlike the draft the Council was presented with in March) now contains a new Option 6 that consists of some of the recommendations from the WPRFMC's draft FMP Amendment 14 to address overfishing of bigeye and yellowfin tuna. HLA believes that the WPRFMC's recommendations are both comprehensive (they address all management and research needs including monitoring and enforcement) and well directed with their emphasis on the need for international action and strong recommendations for effective conservation measures. HLA agrees especially that there should be focus on the fishery sectors that have the greatest impact on bigeye tuna. Small fleets that catch one percent or less of the total catch should be exempted, or at least less drastically limited than those that catch large portions of the total catch. We also believe that important consideration should be given to the existing management measures that limit the size and effect of the domestic fishery on tuna and other fish stocks. If these measures are ignored, the efforts of the U.S. to responsibly manage its fisheries will work to the detriment of domestic fisheries and to the disproportionate benefit of those fisheries that have experienced significant unregulated growth.

HLA therefore recommends that the Pacific Council (i) modify Option 6 so that it is fully consistent with WPRFMC's Amendment 14, and (ii) support and forward to U.S. Commissioners to IATTC and to the Department of State the modified Option 6 as its preferred approach for addressing bigeye overfishing in the EPO. This will provide a

consistent approach by both regional fishery management councils, which is much more likely to generate support in the U.S. delegation than if the two councils approached the issue differently.

Thank you for this opportunity to comment on this issue. HLA looks forward to working with the Council and its scientists and advisors in the future.

Sincerely,


Sean Martin, President

cc: Kitty Simonds, WPRFMC
Don Hansen
Mark Helvey
Rod McInnis
Bill Robinson

ALBACORE MANAGEMENT

In 1981, the United States and Canada entered into a treaty regarding fishing for albacore in the eastern Pacific. The treaty was amended in 2002 and codified by law in April, 2004. It allows U.S. vessels to fish for albacore in Canadian waters seaward of 12 miles from shore and Canadian vessels to fish for albacore in U.S. waters seaward of 12 miles from shore. The treaty also allows Canadian vessels to use certain U.S. ports to obtain supplies and services and to land fish, and it allows U.S. vessels to use certain Canadian ports for the same purposes. The treaty also calls for exchange of fisheries data between the governments of the two nations. Agenda Item G.2.a, Attachment 1, provides information on current compliance requirements for U.S. fishermen.

The United States and Canada established limits on reciprocal fishing access so that, over a period of 3 years, the number of fishing vessels that will be permitted to fish under the treaty will decrease. The limit can be exercised in terms of either (1) the maximum number of vessels that can fish under the treaty for up to 4 months each in a year or (2) the maximum number of fishing months that vessels can conduct in a year without a limit on the number of vessels that can participate in the year (i.e., vessel fishing months). The United States administers the effort limit in terms of vessel fishing months.

If no agreement is reached with Canada to extend this arrangement or to put another limit regime into effect, then, beginning in 2007, the limit will drop indefinitely to 375 vessel months or 94 vessels per year. In any year that the albacore fishing fleet uses less than their assigned quota, the remainder is added to the next year's vessel month quota. However, the additional quota can not exceed the maximum quota allowed in the previous year.

A meeting between representatives of the governments and albacore industries of the United States and Canada has been scheduled for April 24 - 25, 2006. The agenda has not yet been finalized; however, information will be presented by both countries on catch and effort, performance of the fishing fleets, fishing months used, border crossing requirements, enforcement operations, if any, and plans for the upcoming 2006 fishing season. In addition, the Coast Guard and National Marine Fisheries Service (NMFS) Enforcement may be asked to report on activities during the fishing season, such as boardings of treaty vessels and vessel marking compliance. Discussion of treaty renegotiation could also take place at this meeting.

NMFS is seeking input from the Council as part of the process for formulating a U.S. position in renegotiations of the treaty. The United States could (1) simply continue the treaty through the default contained in the current agreement, (2) decide not to continue its participation in the treaty, or (3) re-negotiate the treaty. Changes to the treaty that might be pursued through a re-negotiation include reducing the fishing effort allowed to participate from both countries as well as increasing reporting and enforcement of treaty provisions.

The Council may also consider adopting positions relative to albacore fishery management in the international forums. The Inter-American Tropical Tuna Commission (IATTC) is scheduled to meet June 25-30, 2006 in Busan, Korea; while there is not a standalone agenda item for North Pacific albacore management, there is a recent IATTC resolution on North Pacific albacore (Agenda Item G.2.a, Attachment 2) and albacore management discussion may develop under the

status of stocks agendum. The Western and Central Pacific Fisheries Commission (WCPFC) adopted a similar resolution for North Pacific albacore (Agenda Item G.2.a, Attachment 3). The next full meeting of the WCPFC is scheduled for December 11–17, 2006, in Apia, Samoa.

Council Task:

- 1. Provide Recommendations on the U.S. Position for Renegotiating the U.S.-Canada Albacore Treaty or other International Issues.**
- 2. Provide Guidance to the HMSMT for their Scheduled May 8–9 Meeting.**

Reference Materials:

1. Agenda Item G.2.a, Attachment 1, Guide for Complying with the Vessel Fishing Requirements of the U.S. - Canada Albacore Treaty
2. Agenda Item G.2.a, Attachment 2, IATTC Resolution on Northern Albacore Tuna (C-05-02)
3. Agenda Item G.2.a, Attachment 3, WCPFC Draft Resolution on North Pacific Albacore
4. Agenda Item G.2.c, HMSAS Report
5. Agenda Item G.2.d, Public Comment 1, Letter from Western Fishboat Owners Association

Agenda Order:

- a. Agenda Item Overview Kit Dahl
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Provide Recommendations on the U.S. Position for Renegotiating the U.S.-Canada Albacore Treaty

PFMC
03/17/06



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GUIDE FOR COMPLYING WITH THE VESSEL FISHING REQUIREMENTS OF THE U.S. - CANADA ALBACORE TREATY

JUNE 2005

This guide is intended to help owners and operators of West Coast albacore fishing vessels understand what their obligations are if they wish to fish for albacore in Canadian waters, transit through Canadian waters without fishing, or use Canadian ports during the 2005 summer albacore fishing season. This guide has been updated for the 2005 fishing season and is intended to provide practical information and advice; however, any inadvertent difference between this guide and the regulations will be resolved by following the regulatory language found at: <http://swr.nmfs.noaa.gov/news/Rule4-30.pdf>

Q. What is the U.S.-Canada Albacore Treaty?

The Treaty is a 1981 agreement between the governments of Canada and the United States, amended in 2002, and codified by law in April, 2004. It allows U.S. vessels to fish for albacore in Canadian waters seaward of 12 miles from shore and Canadian vessels to fish for albacore in U.S. waters seaward of 12 miles from shore. The Treaty also allows Canadian vessels to use certain U.S. ports to obtain supplies and services and to land fish, and it allows U.S. vessels to use certain Canadian ports for the same purposes. The Treaty also calls for exchange of fisheries data between the governments of the two nations.

Q. In general, what do the regulations require?

The regulations establish vessel marking, record keeping, and reporting requirements for U.S. albacore tuna fishing vessel operators and for Canadian albacore tuna fishing vessel operators when they are fishing in U.S. waters. In addition, the U.S. and Canada have agreed to establish limits on reciprocal fishing access so that, over a period of 3 years, the number of fishing vessels that will be permitted to fish under the Treaty will decrease.

Q. How does the fishing access limit work?

The fishing access limit can be set by each nation as either a maximum number of individual vessels from one nation that can fish in waters of the other nation for up to 4 months in a single year; or a maximum number of vessel months that vessels of one nation can spend in the waters of the other nation in a single year. The U.S. will use vessel months. The National Marine Fisheries Service (NMFS) believes this approach is the easiest to design and allows the most flexibility to U.S. vessels. Using the vessel months approach, when a U.S. flag vessel enters Canadian waters, even if only for a day, it is counted as one vessel month. If a vessel continues to fish for albacore in Canadian waters into another calendar month it is counted as another vessel month. NOAA Fisheries will simply track vessel traffic back and forth across the border, count the number of vessel months, and close further fishing in Canadian waters when the limit is reached.

Q. What are the fishing access limits?

In the first year of implementation (2004), the U.S. was limited to 680 vessel months. In 2005, the limit was scheduled to drop to 560 vessel months, and in 2006 to 500 vessel months. If no agreement is reached with Canada to extend this arrangement or to put another limit regime into effect, then, beginning in 2007, the limit will drop indefinitely to 375 vessel months per year. In any year that the albacore fishing fleet uses less than their assigned quota, the remainder will be added to the next year's vessel month quota. However, the additional quota can not exceed the maximum quota allowed in the previous year.

Q. What are the vessel month limits for the U.S. and Canada in 2005?

Including vessel months carried over from 2004, the limit in 2005 for U.S. vessels fishing in the Canadian EEZ is 680 vessel months. The Canadian limit in the U.S. EEZ, including vessel months carried over from 2004, totals 601 vessel months.

Q. How will the U.S. or Canadian fleet know if the vessel month limit is reached in either EEZ?

NMFS will use several means to announce a closure. These include Notice to Mariners capability (as used in groundfish fisheries), notices on the Southwest Region (SWR) and Northwest Region (NWR) home pages, notices to port masters, and notices to fishermen's organizations by e-mail and fax. The fleet at sea will also be notified by ShipCom, the contractor selected to receive fishing reports from albacore fishing vessels. The Canadian government will use similar means to notify their flag vessels of a closure, including the Canadian Coast Guard station at Tofino.

Q. What Canadian ports are U.S. albacore fishing vessels allowed to use?

The Canadian ports that U.S. vessels fishing under the Treaty may use are Coal Harbour, Port Hardy, Prince Rupert, Victoria, Vancouver, and Ucluelet. Canadian vessels fishing under the treaty in U.S. waters may use the ports of Bellingham and Westport, Washington; Astoria, Coos Bay, and Newport, Oregon; Eureka, California.

Q. I am not an albacore fishermen but I transit through Canadian waters to fish in Alaska. How do the regulations affect me?

The Treaty does not affect the rights of U.S. vessels to transit Canadian waters. However, vessels transiting Canadian waters must hail-in to the Canadian Coast Guard at Tofino. In addition, you are required to have your gear stowed in an unfishable condition while you are transiting.

Q. If I am interested in fishing in Canadian waters, what do I have to do?

U.S. albacore vessels wishing to fish in Canadian waters must be identified on the U.S. albacore vessel list; mark their vessels with name and registration number; maintain and submit logbooks; and report when they enter and leave Canadian waters (reporting will be accomplished via ShipCom LLC and more information about this process is provided below).

Q. Is a permit required to participate in the U. S.-Canada Albacore Treaty fishery?

No permit is required by the Treaty; however, the Pacific Highly Migratory Species Fishery Management Plan requires that all U.S. vessels that fish for albacore in the U.S. EEZ along the Pacific coast or deliver fish to U.S. ports have a valid HMS vessel permit. In addition, all U.S. vessels that fish on the high seas are required to have a valid High Seas Fishing Compliance Act Permit (HSFCA).

Q. How do I get on the U.S. albacore list?

If you landed albacore in Washington, Oregon, or California in 2004 you are most likely on the 2005 list that is provided to the Canadian government and ShipCom. However, it is strongly recommended that you confirm that you are on the list by contacting Richard Ranta, Northwest Region, National Marine Fisheries Service at: 7600 Sand Point Way, NE, Seattle, WA 98115-6349, Phone: (206)526-6114, FAX:(206)526-4461, or e-mail: Richard.Ranta@noaa.gov. The following information must be provided: (1) vessel name; (2) home port; (3) vessel registration number (Coast Guard Documentation Number or State vessel registration number); (4) the captain or operator's name if known.

Q. Can I get on the list after the season has started?

You may get on the list after the season starts, but you must allow a minimum of 7 days from the time you register to the time you begin fishing. The 7-day delay is necessary to ensure that NMFS has enough time to provide updated information to Canada and to ShipCom, LLC, the contractor who will be taking reports prior to entry to Canadian waters to fish.

Q. What kind of vessel marking is required?

Your vessel must be clearly marked with its name and documentation (Coast Guard Registration or State Registration) number. Vessel markings must be clearly visible both from the air and from a surface vessel. In addition, the letter A U@ must be painted or securely affixed to the

vessel and be positioned at the end of each appearance of the vessel's documentation number. The letter should be of the same size and color as the identification numbers used on the vessel.

Q. What are the logbook requirements?

Use the logbook you received with your HMS vessel permit to record all your fishing activities in U.S. and Canadian waters. Be sure you have a page for every day you plan to spend in Canadian waters. The logbook must be submitted to the Southwest Fisheries Science Center within 15 days of the end of a trip regardless of whether the trip ends by reentry to U.S. waters, entry into other Canadian waters where fishing is not permitted, or a Canadian port. If you have departed from Canadian waters into the high seas, the logbook must be submitted within 7 days of your next landing. If you **do not** fish in Canadian waters, the logbook must be submitted within 30 days of the end of the trip.

Q. If I don't have a logbook, how do I get one?

To obtain a logbook contact Mr. John Childers, Southwest Fisheries Center, 8604 La Jolla Shores Drive, La Jolla, CA, telephone, (858) 546-7192, e-mail: john.childers@noaa.gov. You may also download and the copy the logbook from the SWFSC home page at: <http://swfsc.ucsd.edu/frd/HMS/Large%20Pelagics/Albacore/albie01.htm>

Q. What are the border crossing requirements?

U.S. albacore fishing vessels must report to ShipCom 24 hours before entering Canadian waters and within 24 hours after leaving Canadian waters. In addition, Canadian regulations require vessels to report to the Canadian Coast Guard at Tofino at least 24 hours prior to entering Canadian waters and 72 hours before leaving Canadian waters.

Q. What is the reporting procedure?

You must set up an account with ShipCom, LLC, the company selected to accept hail-in, hail-out messages through WLO Radio. The ShipCom application form is attached to this document or can be downloaded at: <http://www.albacoretreaty.org>. If you are unable to download the form, you can obtain assistance by calling ShipCom at 1-800-633-1312. The registration fee is \$25.00 per year, and the cost of reporting will vary depending upon the method of communications you select. Vessels may be patched directly to the Canadian Coast Guard at the end of filing their report with WLO or KLB radio. This service is provided as a convenience so that the vessel need only make one radio communication. The vessel should simply ask the operator to connect them with the Canadian Coast Guard.

Q. What kind of border crossing information do I have to provide?

You must provide your vessel name, vessel documentation number, home port, flag state, Captain's name, and the date when you plan to enter or leave Canadian waters. When you contact ShipCom LLC, the marine operator will ask a series of questions to be sure that your report is clear as to dates and area as well as vessel name. At the end of the call, you will receive

a confirmation number that you should keep on your vessel or have available to refer to in the event you are questioned either in Canadian waters or in a Canadian port. The record will demonstrate that you complied with call-in requirements. You have the option of reporting via land line, cell or satellite phone to (800) 654-5497; e-mail to: albacore@shipcom.com; single side band radio to station KLB (Seattle, WA) ITU channels 417, 805, 1209, 1624 or to station WLO (Mobile, A1) ITU channels 405, 824, 1212, 1641, 1807, 2237.

Q. What if I don't call in prior to entering Canadian waters?

If you enter Canadian waters without reporting you will be fishing illegally and may be arrested and prosecuted either by Canada or the U.S.

Q. What if I don't call in before leaving Canadian waters?

Keep in mind that fishing in any day of the month counts as fishing for the whole month. If you do not hail-out prior to leaving, you will be assumed to be fishing, and if this time period extends into another month, then that will count against the total monthly limit of the U.S. A month counted against the U.S. by your vessel is then not available to someone who might be able to use it.

Q. Will vessels from Canada have these same reporting requirements?

Yes, Canadian vessels will make the same reports prior to entering and leaving U.S. waters.

Q. Does this reporting procedure replace the current A hail report@ I have made in earlier years to Canadian officials?

This reporting procedure replaces hail reports only for vessels operating under the requirements associated with fishing for albacore under the Treaty. If you are on a vessel entering Canadian waters from the West Coast to transit to fish off Alaska, then you will have to report to Canadian Tofino Coast Guard by radio as required in the past.

Q. How will NOAA Fisheries and Canada use these reports?

Both NOAA Fisheries and the Canadian Department of Fisheries and Oceans will have access to all report information on a real time basis. Because we will all have access to the same data, there should be no disagreements about the number of vessels or amount of fishing done by those vessels in each nation's waters. Obviously, a vessel from one nation found fishing in waters of the other nation without prior reporting is fishing illegally. Maintaining a record of your confirmation number after you've reported is important in the documentation process in the event you are boarded by the Coast Guard and your fishing activities are questioned.

INTER-AMERICAN TROPICAL TUNA COMMISSION
COMISIÓN INTERAMERICANA DEL ATÚN TROPICAL

73RD MEETING

LANZAROTE (SPAIN)
20-24 JUNE 2005

PROP IATTC-73-C1

PROPOSAL BY JAPAN AND THE UNITED STATES

RESOLUTION ON NORTHERN ALBACORE TUNA

The Inter-American Tropical Tuna Commission (IATTC), having responsibility for the scientific study of tunas and tuna-like fishes of the eastern Pacific Ocean, and for the formulation of recommendations to the Contracting Parties, cooperating non-Parties, fishing entities and regional economic integration organizations (CPCs) with regard to the conservation and management of these resources,

Observing that the best scientific evidence on North Pacific albacore tuna from the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean indicates that the species is either fully exploited, or may be experiencing fishing mortality above levels that are sustainable in the long term, and

Taking note that the IATTC staff has said that the stock assessment for Northern Pacific albacore tuna suggests a need for management measures to avoid increases in fishing mortality, and

Recognizing the importance of working with the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC), as provided for in Article XXIV of the Antigua Convention, in order to manage North Pacific albacore tuna throughout its migratory range, and

Recalling further Article 22(4) of the WCPFC Convention that provides for cooperation with the IATTC regarding fish stocks that occur in the convention areas of both organizations;

The IATTC therefore resolves that:

1. The total level of fishing effort for North Pacific albacore tuna in the Eastern Pacific Ocean not be increased beyond current levels.
2. The CPCs shall take necessary measures to ensure that the level of fishing effort by their vessels fishing for North Pacific albacore tuna is not increased;
3. All CPCs shall report all catches of North Pacific albacore tuna by gear type to the IATTC every six months.
4. The Director shall, in coordination with other scientific bodies conducting scientific reviews of this stock, monitor the status of North Pacific albacore tuna and report on the status of the stock at each annual meeting;
5. The CPCs shall consider future actions with respect to North Pacific albacore tuna as may be warranted based on the results of such future analysis.
6. The CPCs call upon the members of the WCPFC to consider, at the earliest opportunity, taking such action as may be necessary to ensure the effective conservation and management of North Pacific albacore tuna throughout its range including, in particular, measures to ensure that fishing effort on the stock in the WCPFC area does not increase and, as necessary, measures to reduce fishing effort to levels commensurate with the long-term sustainability of the resource.
7. The Commission through the Director shall communicate with the WCPFC and request them to take

similar measures.

8. The provisions of paragraph 2 shall not prejudice the rights and obligations under international law of those coastal CPCs in the EPO whose current fishing activity for northern Pacific albacore tuna is limited, but that have a real interest in, and history of, fishing for the species, that may wish to develop their own fisheries for northern Pacific albacore tuna in the future.



DRAFT RESOLUTION ON NORTH PACIFIC ALBACORE

WCPFC/Comm.2/DP.12
21st November 2005

Proposal submitted by the United States

Members and Cooperating Non-Members of the Western and Central Pacific Fisheries Convention (WCPFC):

Observing that the best scientific evidence on the status of North Pacific albacore, as reported by the 19th North Pacific Albacore Workshop, held in 2004, and the 5th Meeting of the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean, in March 2005, indicates that the current fishing mortality rate appears to be high relative to commonly used reference points, which is a cause for concern regarding the future status of the stock;

Recognizing that North Pacific albacore migrate between the WCPF Convention Area and the Antigua Convention Area in the eastern Pacific Ocean and that some WCPF Commission members' fisheries for North Pacific albacore straddle these two areas;

Further recognizing that the Inter-American Tropical Tuna Commission (IATTC) resolved at its 73rd meeting, in June 2005, that the total level of fishing effort for North Pacific albacore in the eastern Pacific Ocean not be increased beyond then-current levels;

Aware that the IATTC resolved that all of its members and cooperating parties should call upon the members of the WCPF Commission to consider, at their earliest opportunity, taking such action as may be necessary to ensure the effective conservation and management of North Pacific albacore in the WCPF Convention Area, including, as necessary, measures to reduce fishing effort to levels commensurate with the long-term sustainability of the resource;

Recalling that the IATTC has requested the WCPF Commission to take measures for North Pacific albacore similar to those that the IATTC has taken;

Acknowledging the importance of cooperating and consulting with the IATTC in order to achieve a consistent set of conservation and management measures for fish stocks that occur in the convention areas of both organizations and for areas of overlap between the two conventions, as provided for in Article 22(4) of the WCPF Convention and Article XXIV of the Antigua Convention;

Taking into consideration the recommendations of the Northern Committee with respect to North Pacific albacore;

Resolve as follows:

1. The total level of fishing effort for North Pacific albacore in the WCPF Convention Area not be increased beyond current levels;
2. Members and Cooperating Non-Members shall take necessary measures to ensure that the level of fishing effort by their vessels fishing for North Pacific albacore in the WCPF Convention Area is not increased beyond current levels;
3. Members and Cooperating Non-Members shall report to the WCPF Commission on a semi-annual basis: (1) all catches of albacore north of the equator and (2) all fishing effort north of the equator in fisheries directed at albacore. The reports for both catch and fishing effort shall be made by gear type and within and outside the WCPF Convention Area. Catches shall be reported in terms of weight. Fishing effort shall be reported in terms of the most relevant measures for a given gear type, including at a minimum for all gear types, the number of vessel-days fished. The reports for the first half of each calendar year shall be submitted no later than the following December 31 and reports for the second half of the year shall be submitted no later than the following June 30;
4. Members and Cooperating Non-Members shall, through the Northern Committee, and in coordination with the WCPF Commission's Scientific Committee and, as appropriate, other international and national scientific bodies conducting scientific reviews of this stock, monitor the status of North Pacific albacore and fisheries that harvest the stock. At the third session of the WCPF Commission, in 2006, the Northern Committee shall report on the status of fisheries for the stock and, as necessary, present any further recommendations for the conservation and management of the stock to the Commission;
5. The Executive Director shall communicate this resolution to the IATTC and request that, in accordance with Article 22 of the WCPF Convention, the two commissions engage in consultations to further develop and, as soon as practicable, adopt consistent conservation and management measures for North Pacific albacore, including any reporting or other measures needed to ensure compliance with such agreed measures.

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON ALBACORE MANAGEMENT

At the March Council meeting, the Highly Migratory Species Management Team (HMSMT) requested the final resolution of this agenda item be reached via the fast-track process after the Team's meeting on May 8-9, 2006. The HMSMT did not discuss albacore management issues at our meeting in March, but we will discuss the following albacore management issues in May:

1. Characterization of recent and historical U.S. fishing effort in response to the Inter-American Tropical Tuna Commission (IATTC) and Western and Central Pacific Fisheries Commission (WCPFC) resolutions.
2. Renegotiation of the U.S./Canada albacore treaty (and review of albacore landings data for U.S. and Canadian vessels).
3. Recreational bag limits for albacore.
4. Reconsideration of the current control date for highly migratory fisheries, such as albacore troll.

Our original plan was to discuss these items in May and provide a report to the Council in June, since the IATTC meeting is scheduled to begin on June 22, 2006. However, the National Marine Fisheries Service Southwest Region requested that we prepare a report on these issues that could be circulated through the Council family via e-mail prior to the June meeting (e.g., by May 19). However, the HMSMT notes that the Council may wish to provide an opportunity for review and comment on the Team's report by the Highly Migratory Species Advisory Subpanel; this could also be done via e-mail (e.g., between May 19 and May 26). The Council could then reach final resolution via e-mail by May 31.

PFMC
04/04/06

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON ALBACORE MANAGEMENT

The Highly Migratory Species Advisory Subpanel (HMSAS) notes that the current U.S.-Canada Albacore treaty generally favors Canadian vessels fishing in U.S. waters in comparison to U.S. vessels fishing in Canadian waters. Nonetheless, there may be some benefits to U.S. processors near the Canadian border because of deliveries to them by Canadian vessels. Recognizing these considerations, the HMSAS recommends that the Council advise the U.S. Department of State and NMFS to proceed with termination of the U.S.-Canada Albacore Treaty under provisions of the treaty. Other reasons discussed for terminating the treaty is that termination may advantage U.S. albacore fisheries in the event that national quotas are implemented for North Pacific albacore, and if eventual caps or limited entry is imposed on U.S. fishermen, Canadian fishermen in the U.S. Exclusive Economic Zone (EEZ) should be restricted first.

Recognizing the adoption of resolutions by the IATTC and the WCPFC calling on members to not increase fishing effort on North Pacific albacore reflecting scientific concerns about the status of the stock, the HMSAS recommends the Council explore several avenues to address this issue. As a first step, the Council should implement a coastwide recreational bag limit for commercial passenger fishing vessels, or alternatively, call on the states to implement such bag limits. The HMSAS supports Council direction to the HMSMT to develop the information and work in cooperation with relevant management bodies to define the “current level of fishing effort” of U.S. fisheries targeting North Pacific albacore, including both recreational and commercial fisheries, as stated in the IATTC and WCPFC resolutions on albacore.

The HMSAS also is requesting clarification on whether the March 9, 2000 control date is still legally viable or should be updated in anticipation of effort controls.

PFMC
03/17/06

WESTERN FISHBOAT OWNERS ASSOCIATION®



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

March 13, 2006

Re: U.S. / Canada Albacore treaty information

Dear Mr. McIssac:

In regards to the U.S. / Canada albacore treaty which is now on the councils agenda, Western Fishboat Owners Association has been involved in the original treaty negotiations in the late 1970's and early 1980's which led to the implementation of the treaty in 1981. Since then the treaty has been modified twice. Once in 1996 added access ports to each side, and again in a full negotiation process from 2000-2003 that resulted in effort caps on each side. Thus, I am writing this letter not with any specific recommendations for the renewal of negotiations beginning in 2006 but as a background of the treaty for yourself and members of the council.

The U.S./Canada treaty was an indirect result of the original Magnuson Act establishing a 200 mile EEZ, in the late 1970's. At the time there was an abundance albacore off British Columbia and U.S. boats did well in the region. There was also a limited Canadian troll effort in the albacore fishery especially in the U.S. zone. The U.S. position at the time was not to recognize the 200-mile Canadian EEZ in regards to highly migratory species since this included albacore that transcended all boundaries with no national claim to the stocks. However, in the late 1970's 19 U.S. albacore vessels were seized by Canada while fishing with 200 miles of the Canadian shoreline. This action resulted in the establishment of the treaty and unloading privileges in each nations ports.

In 1996 WFOA worked with the Department of State to get two additional ports added to each side. From 1996 to 2000 the Canadian albacore fleet dramatically increased in size probably because of restrictions on their salmon fisheries and other regulatory factors. WFOA began to recognize that with the increasing numbers of Canadians fishing in the U.S. EEZ crowding issues on the fishing grounds became a problem.

Thus, with problems on the fishing grounds WFOA pursued effort caps on both sides. Negotiations lasted almost two and a half years and ratification and implementation took a year longer than anticipated. At early sessions the Canadian government actually proposed increases in numbers to more than 400 vessels which the U.S. rejected. Finally agreement was made on a three-year effort reduction based on the choice of number of vessels or

vessels months. The U.S. generally would only fish in Canadian waters August and September because of water patterns and weather while the Canadians fish in U.S. waters for four months. By using vessel months the U.S. vessels in theory could actually have twice the concentration of vessels in Canadian waters if weather patterns prevail and fish were in the Canadian EEZ. Since the early 1990's little U.S. effort has occurred in Canada. In the first two seasons under this regime the Canadians have nearly used up all their vessel months over the season while the U.S. has barely used any.

Beginning in 2007 if there is no agreement the vessel level will be 94 on each side or 376 vessel months. At this point it looks as if the Canadians will be pared down to that default number as they have established a 94 vessel 'A' permit list and all others on a "B" list of two month permits that are being phased out. The U.S. would most likely remain on a vessel month system since there are no criteria established for issuing permits under a number of vessel regime.

I think it maybe premature to have much council involvement in the treaty as 2006 is yet to play out and there will be no changes made until at least 2007. This is an international treaty very specific to two countries and one gear type. I see the councils efforts should be more directed at the larger picture of getting caught up on issues involving both the WCPFC and the IATTC. To start involvement with micro segments of the albacore catch effort maybe an inefficient use of time and create confusion with some that may not be familiar with the treaty and its' history.

Also, WFOA has yet to establish a position to take to new negotiations later this year. We have segments of the fleet that want the treaty entirely eliminated and segments that want it open. But more and more of our U.S. members agree that we probably cannot have any increases over the default level of 94 vessels. We cannot get the feeling of our membership until our April meeting in Astoria, Oregon. We do expect the Canadian government to push for increasing numbers again. Also looking forward to this coming albacore season crowding on the grounds and market gluts could be magnified by the severe salmon restrictions placed on the U.S. salmon trollers, which will force many of them into fishing for albacore off the west coast.

Thus, we ask the council to tread lightly on this issue and be prepared to support the U.S. fishermen and processors with a uniform position on the future of the treaty.

Sincerely,

Wayne Heikkila
Executive Director

cc: Mark Helvey, NMFS
Dave Hogan, U.S. Department of State

attch: U.S./Canada albacore treaty
Vessel requirements under the treaty (WFOA)

Treaty between CANADA and the UNITED STATES OF AMERICA
Washington, DC, May 26,1981

In force July 29,1981

TREATY BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA ON PACIFIC COAST ALBACORE TUNA VESSELS AND PORT PRIVILEGES

The Government of Canada and the Government of the United States of America, Desiring to cooperate in matters concerning the albacore tuna fishery off the Pacific Coast of Canada and the United States, Desiring to benefit the fishing industries involved in that fishery, and Taking into account the deliberations of the Third United Nations Conference on the Law of the Sea in the field of fisheries:

Have agreed as follows:

ARTICLE 1

Without prejudice to the respective juridical positions of both Parties regarding highly migratory species of tuna, each Party shall:

- a) ensure that all its vessels engaged in fishing for albacore tuna in waters under the fisheries jurisdiction of the other Party shall do so in accordance with this Treaty;
- b) permit fishing vessels of the other Party to fish for albacore tuna in waters under its fisheries jurisdiction beyond twelve nautical miles of the baselines from which the territorial sea is measured, in accordance with Annex "A" to this Treaty and subject to other applicable laws and regulations.

ARTICLE 2

Vessels of the United States of America fishing pursuant to this Treaty shall be authorized to enter the Canadian ports listed in Annex "B" to this Treaty and to use Canadian facilities and services, subject to compliance with applicable customs, navigation, safety, environmental and other laws and regulations pertaining to port privileges, and payment of applicable albacore tuna landing fees provided that such fees do not discriminate according to nationality, for the following purposes:

1. to land their catches of albacore tuna without the payment of duties and
 - a) tran-ship them in bond under customs supervision to any port of the United States of America; or
 - b) sell them for export in bond; or
 - c) sell them locally on payment of the applicable customs duty; and
2. to obtain fuel, supplies, repairs and equipment on the same basis as albacore tuna vessels of the other Party.

ARTICLE 3

Canadian vessels fishing pursuant to this Treaty shall be authorized to enter the United States ports listed in Annex "B" to this Treaty and to use United States facilities and services, subject to compliance with applicable customs, navigation, safety, environmental, and other laws and regulations pertaining to port privileges, and payment of applicable albacore tuna landing fees provided that such fees do not discriminate according to nationality, for the following purposes;

1. to land their catches of albacore tuna without the payment of duties and
 - a) tran-ship them in bond under customs supervision to any port of Canada; or
 - b) sell them for export in bond; or

- c) sell them locally on payment of the applicable customs duty; and
2. to obtain fuel, supplies, repairs and equipment on the same basis as albacore tuna vessels of the other Party.

ARTICLE 4

Neither Party shall, pursuant to its fisheries legislation, prohibit the importation into its territory of Pacific albacore tuna and products from the other Party as a consequence of a dispute arising in other fisheries.

ARTICLE 5

1. Vessels of each Party which are not in compliance with this Treaty are subject to enforcement action by the other Party when engaged in fishing for Pacific albacore tuna in waters under the fisheries jurisdiction of the other Party.
2. Arrested vessels and their crews shall be promptly released, subject to such reasonable bond or other security as may be determined by the court.
3. Enforcement actions under this Treaty shall not include imprisonment.
4. In the case of seizure and arrest of a vessel by the authorities of one Party, notification shall be given promptly through diplomatic or consular channels informing the other Party of the action taken and of any penalties subsequently imposed.

ARTICLE 6

1. Either Party may at any time request consultations on the interpretation or application of this Treaty. Such consultations should commence as soon as practicable but in any case not later than sixty days from the date of receipt of the request for consultations, unless otherwise agreed by the Parties.
2. In the event of a dispute arising between the Parties concerning the interpretation or application of this Treaty, the Parties shall consult with a view to resolving the dispute by negotiation.

ARTICLE 7

The Annexes may be amended by the Government of Canada and the President of the United States through an Exchange of Notes.

ARTICLE 8

This Treaty shall enter into force upon the exchange of instruments of ratification at Ottawa. After two years from the date of entry into force, either Party may give written notice to the other Party to terminate this Treaty. The Treaty shall terminate on December 31 of the calendar year following that in which such notice was received by the other Party.

In WITNESS WHEREOF, the undersigned, being duly authorized by their respective governments, have signed this Treaty.

Done at Washington in duplicate, in the English and French languages, both versions being equally authentic, this Twenty-sixth day of May, 1981.

PETER TOWE
For the Government of Canada

WILLIAM CLARK
For the Government of the United States of America

ANNEX A

- 1.a) Each Party agrees to provide annually to the other Party a list of its fishing vessels which propose to fish albacore tuna off the coast of the other Party. The list will include;

- (i) vessel name;
 - (ii) home port;
 - (iii) radio call sign;
 - (iv) fishing vessel registration number, and
 - (v) captain or operator's name, if known.
- b) Each Party may provide the other Party with additions or deletions to its list at any anytime
- c) As soon as possible after receipt, and subject to paragraph I(d) below, the receiving Party shall satisfy itself that the list received meets the criteria of paragraph I (a) and shall inform the other Party in order to enable the albacore fishery to proceed pursuant to this Treaty.
- d) Should, due to serious or repeated fisheries violations or offenses, one Party object to the inclusion of a particular vessel on the list of the other Party, paragraph I (c) with regard to other vessels shall not be delayed. Following the two Parties shall consult. In this event, actions pursuant to consultations, each Party shall notify its vessels which both Parties agree shall not be included on the list referred to in paragraph I (c).
2. If required by either Party, each vessel shall, upon entering and at least 24 hours prior to leaving the fishing zone of such Party, so inform the appropriate authorities and provide the vessel name, radio call sign and captain or operator's name.
3. When in the fishing zone of the other Party, each vessel shall have its name and radio call sign prominently displayed where they will be clearly visible both from the air and from a surface vessel.
4. Vessels of both Parties shall keep accurate log records while fishing pursuant to this Treaty.
5. In order that better information on the stocks of albacore tuna which migrate off the west coasts of the United States and Canada may be obtained, each vessel engaged in fishing pursuant to this Treaty shall provide to its government statistics and other scientific information on its operations in the fishing zone of the other Party. Each Party shall provide to the other Party twice yearly such information and in particular the amount (number and weight) of albacore tuna caught by its vessels in waters under the fisheries Jurisdiction of the other Party. Other specific information to be provided, as well as the forms and procedures for providing such information, shall be agreed upon by the two Parties.

ANNEX B

1. Fishing vessels of the United States of America shall, pursuant to Article 11, be authorized to enter the following ports located in Canada:
- Coal Harbour
 - Port Hardy
 - Prince Rupert
 - Victoria
 - Vancouver
 - Ucluelet
2. Canadian fishing vessels shall, pursuant to Article 3, be authorized to enter the following ports located in the United States of America:
- Astoria
 - Bellingham
 - Coos Bay
 - Eureka
 - Newport
 - Westport

Requirements for Vessels Fishing under the U.S.-Canada Albacore Treaty

June 2004

The final rule to implement the U.S./Canada Treaty was filed with the Federal Register on May 28 and will publish June 4; it was effective June 1, as planned. Diplomatic notes were exchanged, and the Treaty is in effect. The Secretary of State approved the regulations in writing on May 28 and (more importantly) the NSC cleared followed by the White House and the President signed the ratification of this Amendment to the Treaty.

=====

U.S. Fishermen: By now you may have received a list of requirements to fish under the new revised treaty. This information is available at: <<http://www.albacoretreaty.org>> or also on a link on the WFOA website. This is a simplified explanation.

Canadian Fishermen: You are required to obtain a licence at which time you will be provided with the management plan, a letter, and instructions on setting up an account with ShipCom to meet the U.S. government reporting requirements. This can be accessed at: <<http://www-ops2.pac.dfo-mpo.gc.ca/xnet/content/MPLANS/MPlans.htm>> For questions contact Lisa Mijacikal at: <MijacikaL@pac.dfo-mpo.gc.ca>

I want to fish albacore. What do I do now?

✓ **Paint your documentation number on port, starboard, and top:** The new treaty changes vessel numbers for identification required from the Radio Call Sign to the Documentation Number. Paint these on each side of hull or pilothouse and one visible from the air of reasonable size. Also if you are a U.S. vessel a "U" is required behind the documentation number, and if you are Canadian a "C" is required. These should be in caps and as large as the numerals.

THE 'U' or the 'C' only applies if you fish albacore in the other nations waters under the treaty. If you do not go into the other's waters, you are not required to paint the letter. "Example Below"



567-876U U.S. vessels fishing in Canadian waters

665-987C Canadian vessels fishing in U.S. waters

✓ **Get on the NMFS list or DFO list (if Canadian):** No permit is required for U.S. vessels but you must make sure your vessel is on the list of vessels we provide to Canadian fishery officials every year (Canada provides us with a comparable list) before the season starts. **WFOA submits all paid up members to NMFS annually, if you are a WFOA member you are on the list and it will be submitted soon to NMFS!**

To find out whether or not your vessel is on the list, or to get on the list, contact Richard Ranta, Northwest Region, National Marine Fisheries Service at: 7600 Sand Point Way, NE, Seattle, WA 98115-6349, Phone: (206)526-6114, FAX: (206)526-4461, or <Richard.Ranta@noaa.gov>. The following information must be provided: (1) vessel name; (2) home port; (3) vessel registration number (Coast Guard Documentation Number or State vessel registration number); (4) the captain or operator's name if known. You may get on the list after the season starts, but you must allow a minimum of seven days from the time you register to the time you begin fishing. The 7-day delay is necessary to ensure that NOAA Fisheries has enough time to provide updated information to Canada and to ShipCom, LLC, the contractor who will be taking the calls prior to entry to Canadian waters to fish.

✓ **Obtain Logbook:** Once your vessel is added to the list, you will receive a copy of the U.S. Albacore Logbook. If

you do not receive the logbook, contact: John Childers, SWFSC, (858) 546-7192. You must complete the log for all your fishing activity in Canadian waters, and must be submitted to the Regional Administrator within 15 days of the end of a trip regardless of whether the trip ends by reentry to U.S. waters, entry into Canada's territorial sea, other Canadian waters where fishing is not permitted, or a Canadian port. If you have departed from Canadian waters into the high seas, the logbook must be submitted within seven days of your next landing.

✓ **Report:** You must set up an account with ShipCom, LLC, the company selected to accept hail-in, hail-out messages through WLO Radio. The ShipCom application form can be downloaded at: www.albacoretreaty.org or call ShipCom at 1-800-633-1312. The fee is \$25.00 per year, and the cost of reporting will vary depending upon the method of communications you select. The vessel should simply ask the operator to connect them with the Canadian Coast Guard. This service is provided as a convenience so that the vessel need only make one radio communication.

You must provide your vessel name, vessel documentation number, home port, flag state, Captain's name, and the date when you plan to enter or leave Canadian waters. When you contact ShipCom LLC, the marine operator will ask a series of questions to be sure that your report is clear as to dates and area as well as vessel name. At the end of the call, you will receive a confirmation number that you should keep on your vessel or have available to refer to in the event you are questioned either in Canadian waters or in a Canadian port. The record will demonstrate that you complied with call-in requirements. You have the option of reporting via land line, cell or satellite phone to (800) 654-5497; FAX, (251) 666-8339; e-mail to albacore@shipcom.com; single side band radio to station KLB (Seattle, WA) ITU channels 417, 805, 1209, 1624 or to station WLO (Mobile, A1) ITU channels 405, 824, 1212, 1641, 1807, 2237.

Summary:

1. Get on the list with NMFS, through them or as a WFOA member
2. Add documentation numbers to both sides of your hull and top of pilot house, with U or C after number
3. Obtain and keep logbook (required under treaty as well as the FMP)
4. Register with Ship Com for check in and check out
5. Go fishing and make sure you check in and check out and turn in your logbook

Non Albacore Transit etc.: If you never fish for albacore in Canadian waters, you are not affected. However, Canadian hail-in requirements will continue to apply to transiting vessels, and you will be required to have your gear stowed in an unfishable condition while you are transiting.

Treaty Ports: The ports U.S. vessels fishing under the Treaty may use are Coal Harbour, Port Hardy, Prince Rupert, Victoria, Vancouver, and Ucluelet. The ports Canadian vessels fishing under the treaty are allowed to use are Bellingham, Westport, Ilwaco/Astoria, Newport, Coos Bay, and Eureka.



FMP?: There is no U.S. permit under the treaty, however, there will be a new permit issued to U.S. vessels under the PFMF FMP this year. This will be free and you will receive an application from NMFS soon.

IMPORTANT: There possibly could be new requirements imposed on Canadian and U.S. vessels entering U.S. ports from the Department of Homeland Security. This may treat albacore vessels as "bulk carriers" and require a number of new and higher fees and check in procedures with customs and immigration. Also it is rumored that all areas outside the U.S. EEZ would be treaty as a "Foreign Port" for purposes of loading cargo (fish). We have received no definitive answer on this as of today, but will put any new requirements on the WFOA website and out on email. Many buyers and other organizations have been in contact with congressional reps and senators on this matter. There is a possibility that vessels under 300gt may be exempt but again no definitive answer! Prior to entering check with your buyer for any new details. Also contact your congressional reps and harbor districts to express your concerns about this! WFOA is doing all we can and will update any and all resolutions of this matter ASAP!

Albacore Treaty Reporting System
Requirements

Attention All Vessels -
New Requirements for the 2005 Season [Click Here](#)

CFO/NOAA has released a new "Users Guide" for Albacore Fishermen
it contains updated information for the 2005 season.
To download the guide, click one of the links below:

- * Download in Word .doc format
- * Download in Adobe .pdf format
- * Download in html format

Vessels participating in the Albacore Treaty Reporting System must register and establish an account with ShipCom, LLC. Payment must be made via Visa, MasterCard, American Express, or Discover credit or debit cards.

To establish an account, go to www.albacoretreaty.org and print the appropriate form (i.e., Canadian or U.S.). Complete this form and either FAX it to (251) 666-8339 or MAIL it to:

ShipCom/Albacore
7700 Rinla Avenue
Mobile, AL 36619

You may also call 1-800-633-1312 and request the form via fax.

There is a start up registration fee of \$25.00 for U.S. vessels and \$45.00 for Canadian vessels to cover cost of program development. The following year both countries' vessels will pay a \$25.00 registration fee.

Registered vessels will receive a substantial discount on High Seas Ship to Shore radiotelephone calls from ShipCom. We have established a special rate of \$1.99/minute (3 minute minimum) for non albacore related calls from vessels registered under this program. In addition crewmembers may place collect calls at the same rate. (\$1.25 collect call fee applies)

Vessels should assure that their radios are programmed for the following ITU channels:
For station KLB (Seattle, WA) ITU channels 417, 805, 1209, 1624
For station WLO (Mobile, Al) ITU channels 405, 824, 1212, 1641, 1807, 2237

A radio test should be conducted by vessels with either WLO or KLB radio prior to departure. The frequencies for these stations are also available at www.shipcom.com.

Operators are on duty 24 hours per day 7 days per week to assist with radio checks and to answer any questions you may have regarding frequencies or procedures.

The preferred method for Hail In or Hail Out reports is via HF SSB voice by calling KLB

TREATYREQUIREMNST.txt

or WLO on any of our listed channels. Reports may also be filed via email to albacore@shipcom.com or by telephoning 1-800-654-5497.

Upon filing a hail report, the vessel will receive a transaction confirmation code. This code is the vessel's receipt, which can be used to verify the transaction if any question should arise at a later date. It is important to note this code in your Logbook.

Reports must include the following information, unless already collected:

- 1) Vessel name
- 2) Vessel Registration or Documentation number
- 3) Home Port
- 4) Flag State
- 5) Captain's name
- 6) Type of report (Start Fishing, Stop Fishing, Transiting, Change of Intent, or Cancellation)

If a report is for start fishing or stop fishing the date of starting or stopping. If a report is for vessel transiting, the report must include the entry date. Vessels are required by US regulation to file a report at least 24 hours prior to beginning fishing and 24 hours prior to or upon exit from United States fisheries waters after stopping fishing.

Vessels are also required by Canadian regulation to contact the Canadian Tofino Coast Guard radio. Vessels may be patched directly to the Canadian Coast Guard at the end of filing their report with WLO or KLB radio. This service is provided as a convenience so that the vessel need only make one radio communication. The vessel should simply ask the operator to connect them with the Canadian Coast Guard.

If you should have any questions regarding this system, please contact the ShipCom operator.

New Requirements for 2005 Vessels

Please Read Carefully

6. Information reports required to be made by the vessel master to USA authorities and Canadian authorities:

When reports are required:

- (1) At least 24 hours prior to entering U.S.A. fisheries waters to
 - (a) start fishing in U.S.A. fisheries waters, or
 - (b) to transit U.S.A. fisheries waters.

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(Hail Out Report)

- (2) No later than 24 hours after stopping fishing in U.S.A. fisheries waters.

(Hail In Report)

(3) When changing

- (a) plans to start fishing as previously notified in a Hail Out Report, or
- (b) destination zone as previously notified in a Hail Out Report.

(Changing Intent Report)

How reports are to be made to USA authorities:

Communications must be made to ShipCom via:

- (a) Station KLB (Seattle, WA) ITU channels 417, 805, 1209, 1624;
- (b) Station WLO (Mobile, AL) ITU channels 405, 824, 1212, 1641, 1807, 2237;
- (c) by using a satellite phone or cellular phone and dialing 1-800-654-5497

How reports are to be made to Canadian authorities:

Communications must be made to Tofino Coast Guard Radio via:

- (a) VHF channel 26 (within a 60 mile range);
- (b) MF channel 2054 (within a 200 mile range);
- (c) HF channel 4125 (within a 400 mile range); or
- (d) by using a satellite phone or cellular phone and dialing 250-726-7716.

What must be reported:

(1) Hail Out Report: The following information must be reported to ShipCom and Tofino Coast Guard for a vessel starting to fish, making subsequent trips after a Hail In Report or transiting U.S.A. fisheries waters:

- (a) vessel name;
- (b) flag state;
- (c) vessel master name;

- (d) vessel registration number;
- (e) home port;
- (f) destination zone; and
- (g) if fishing, anticipated start date; or
- (h) if transiting, anticipated date of entry into and exit from U.S.A. fisheries waters.

Note: A vessel that has filed a Hail Out Report to enter U.S.A. fisheries waters solely for the purpose of transit must have its gear stowed in unfishable condition and leave U.S.A. fisheries waters and file a second Hail Out report prior to re-entering U.S.A. fisheries waters to start fishing.

(2) Hail In Report: The following information must be reported to ShipCom and Tofino Coast Guard when a vessel stops fishing in U.S.A. fisheries waters:

- (a) vessel name;
- (b) verification number;
- (c) flag state;
- (d) vessel master name;
- (e) vessel registration number;
- (f) home port; and
- (g) date fishing ceased.

Note: A vessel that has filed a Hail Out Report will be presumed to still be fishing until a Hail In Report is filed. Vessels entering and exiting USA fisheries waters to access port are not required to file Hail In reports unless there is intent to not continue fishing into the following calendar month or the vessels season is complete. A second Hail Out report can be filed if the intent is to commence fishing.

(3) Change of Intent Report:

The following information must be reported if the vessel master changes plans to start fishing, changes the destination zone or cancels a fishing trip, after making a Hail Out

TREATYREQUIREMNST.txt

Report:

- (a) vessel name;
- (b) verification number;
- (c) new destination zone; and
- (d) cancellation date or intent to start fishing date.

Note: A vessel must file a Change of Intent Report if changing destination zones to fish in Canada after filing a Hail Out report. Additional Hail Out reports can be filed to provide a start date for subsequent trips for fishing in U.S.A. fisheries waters.

March 19, 2006

Pacific Fisheries Management Council
7700 NE Ambassador Place, Suite 200
Portland, OR 97720-1384

Attn: Don McIssac, Executive Director

Dear Mr. McIssac:

In reference to the input request stated in the section "Limited Entry: no longer avoidable ..." in the Western Fishboat Owners Association newsletter dated March 15, 2006, I would like to say that our West Coast fishing fleet has little effect on the tuna catch compared to the rest of the world. However, my fear is that we will be paying a disproportionate share of the sustainability of tuna.

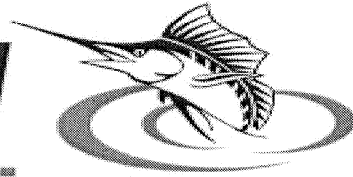
My greatest fear is that the decision will be made to base future catch on past landings. This has the same effect as "taking from the poor and giving to the rich." Those of us that recently purchased boats capable of catching tuna, experienced mechanical problems, were unable to travel extensive miles off shore, had an "off season" due to ocean currents and weather, and are being forced out of the salmon troll fisheries, will be the members to take it on the chin.

I believe the fairest method would be to restrict new applications for PHMS permits.

Gene Fisher

Gene Fisher

West Bay FISHERIES, INC.



49 Pier 2, Port of Astoria, Astoria, OR 97103
(503) 325-6636 fax (503) 325-3373

RECEIVED

MAR 22 2006

PFMC

Dear Council Members:

I am writing this letter to urge you to support the renewal of the US/Canadian Albacore treaty with reciprocal landing privileges.

My name is Reid McIntyre with West Bay Fisheries in Astoria, Oregon. In 2005 West Bay unloaded Albacore from both US and Canadian vessels. We unloaded product for Canadian, US, and New Zealand companies. We unloaded Albacore for two different Canadian companies which purchased high quality blast/bled albacore from both US and Canadian vessels. One of the Canadian companies we unloaded for, purchased a large volume of Albacore. Of that volume, here is the number of deliveries and the percentage of where they purchased it from:

148 deliveries for 45% of their total Albacore purchased. Purchased from US vessels delivering into the US.

28 deliveries for 15% of their total Albacore purchased. Purchased from Canadian vessels delivering into the US.

18 deliveries for 27% of their total Albacore purchased. Purchased from US vessels delivering into Canada.

45 deliveries for 13 % of their total Albacore purchased. Purchased from Canadian vessels delivering into Canada.

I have been involved in unloading Albacore in the Astoria area for about the last 10 years. During that time both the American and Canadian vessels have been instrumental in boosting the local economy in Astoria. The Canadian fishermen, just like the American fishermen, come in to deliver their catch and spend money to get ready for their next trip. This influx of foreign money into our local coastal economies is beneficial to everyone involved. If Canadians are not allowed to deliver their catch into the US, their costs go way up by having to run their fish all the way back to Canada. There is also lost fishing time on these migratory fish. If the Americans can not deliver their fish into Canada, they do not get the high Canadian prices that they are receiving for delivering their fish. If the Canadians are not allowed to deliver into the US, the unloading stations, truckers, employees, restaurants, motels, grocery stores, marine stores, rental car companies,

mechanics, marinas, welders, fuel companies and other various entities lose out. Our coastal economies rely on this influx of foreign revenue provided by the Canadian Albacore fleet.

The Canadian fleet that can fish in US waters has been reduced to manageable levels in recent years to ensure that there is not over fishing in our waters. I do not see that being an issue for dissolving the treaty. The Canadian fleet and the Canadian buyers have been the catalysts for producing and buying the highest quality Albacore. The Americans have learned from this and have followed their lead to produce this quality of Albacore and reap the high prices. A majority of the Albacore fleet has changed over from producing the tradition cannery grade quality, to producing the sashimi grade quality of Albacore. The majority of this fish is sent to Canada. I believe the Canadians have helped the American fishermen, and the Canadians and Americans fish well together in each others waters.

I guess I may be missing the boat, but I do not see any positive reason for dissolving the US/Canadian treaty that has been in place since 1981. I think if you look at the big picture, this has been a win win situation for both countries for 24 years, and it will continue to be for years to come.

For these reasons, please renew the US/Canadian treaty with reciprocal landing privileges.

Best Regards,

A handwritten signature in dark ink, appearing to read 'Reid McIntyre', with a stylized, flowing script.

Reid McIntyre
West Bay Fisheries

Subject: Albacore Control Date
From: "Oregon Coast Maritime Services" <ocms@presys.com>
Date: Mon, 27 Mar 2006 17:12:55 -0800
To: <Kit.Dahl@noaa.gov>

Dear Mr. Dahl,

I'd appreciate it if you would make this available to your associates on the HMSAS and any others who may be interested. I'd also appreciate a response from you. I understand the HMSAS is seeking clarification on whether the Mar 9, 2000 control date is still legally viable or should be updated. If the council truly wants to reduce capacity in the albacore fishery & bring it back to historical levels I can't imagine using a date "post" the present one. If anything it should really be Mar 9, 1997 as after our banner season of 96' the effort increase was dramatic. That is when this fishery totally changed from what it had been for years both offshore & nearshore. Now we have Canadians down here in force, impacting our markets & using our facilities to the disadvantage of the US fishermen. I personally know fishermen who were unable to sell there catch as Canadian boats off loading ahead of them filled the fishbuyers order. Same thing with dock space-US guys unable to find space next to docks & having to "raft" up with no shore power. Going to the gear store & some Canadian just bought the last of the jigs etc. If you review records I'm sure you'll see very few Canadian boats here prior to 96' & things were cool.

Back to the "cut-off" date. After the 96' season there was a huge influx of US boats from other fisheries, predominately shrimpers & draggers. The boats in these fisheries will be participating in the 06' fishery, especially the shrimpers as they can't make a dime now with the influx of cheap Canadian shrimp & sky high fuel prices. They also are large boats that have a great hold capacity for the most part. I **STRONGLY** urge the HMSAS to keep the March 9, 2000

control date or even set it back further, but PLEASE don't advance it unless your desire is to increase harvest capacity. I might also note that many times I've heard fishermen who have setup there boats for albacore mention and this is pretty close to a quote " There's no way the council will use the Mar 9, 2000 date as to many of us have geared up after that date. They just can't do that". Yes they were aware of the control, but setup anyway in anticipation of what appears to be happening right now and looks like they may be "rewarded" for ignoring the date set by the council. I might also mention I sold a boat that I owned because it hadn't fished priot to the Mar 9, 2000 date (even though I had for years) and purchased one that had, just for that reason and now I just can't beleive I may have went thru all of that hassle and financial loss for nothing trying to be in harmony with the law!! I urge the council to protect the albacore & reduce the harvest capacity by maintaining the present control date as a minimum or better yet going to a Mar 9, 1997 date to truly reflect the historical fishery for limiting entry & have the will & courage to refrain from bending to political influence/pressure.

Sincerely, Ron Sloan
Owner/Captain F/V Wet & Wild

No virus found in this outgoing message.

Checked by AVG Free Edition.

Version: 7.1.385 / Virus Database: 268.3.1/292 - Release Date: 3/24/2006

Part 1.2	Content-Description: "AVG certification"	
	Content-Type:	text/plain
	Content-Encoding:	quoted-printable

Subject: West Coast Albacore Limited Entry
From: Beatrix Salmon <sunnyb@centurytel.net>
Date: Tue, 28 Mar 2006 14:02:05 -0800
To: pfmc.comments@noaa.gov

PFMC Council Members,

My name is Mike Shedore. I am a commercial albacore/salmon fisherman. I currently own a combination bait/jig albacore vessel, F/V Cinda S and have been an owner/operator and participant in the hook and line (troll) albacore fishery in both the North and South Pacific fisheries since 1977. I also own and operate a small custom canned tuna business.

During the course of my career in this fishery, I have been a chartered research vessel by NMFS three different times, most recently in the summer of 2005 where a tagging project was completed involving the surgical implant of electronic tracking tags in albacore tuna.

I am past vice president of WFOA and was a director in the Newport, Oregon district for many years. Currently, I am a director in an organization (Northwest Albacore Producers Association) made up of albacore vessels in all three coastal states.

I urge the council to place the issue of limited entry in the West Coast Albacore Fishery on the agenda for consideration.

The time to do this is now. This fishery is probably the LAST OPEN ACCESS FISHERY anywhere in the country, and allowing this open entry to continue unchecked is not defensible. It is obvious to those of us with long time participation and considerable economic investment in this fishery, that there has and continues to be increased speculative entry into this fishery, and this fact alone compromises the future viability and stability of the coastal albacore fishery.

There were 1,157 albacore logbooks submitted to NMFS for the coastal albacore season in 2005. Each logbook represents an individual vessel. This number is outrageous and easily could double, if there were movements of vessels from closed fisheries in any part of the country into the West Coast albacore fishery. The continued position of allowing open entry into the West Coast albacore fishery threatens the economic viability, status of the resource, and the safety from fleet crowding to both long time commercial and recreational interests coastwide.

I believe that the Council at this time is obligated to address this issue and control effort potential. We are part of the negotiations on an international level with various entities that represent all the participants in the North Pacific albacore fishery. The IATTC and WCPFC have passed resolutions that have been agreed to by the various countries that effort control must be addressed. For the record, the Hawaiian based tuna fishery is in fact limited access. With the potential somewhere down the line for quota based management, we must get our fishery in order now.

There is strong support for maintaining the March 9, 2000 control date. I urge you to do so.

Thank you for your consideration,

Mike Shedore
Northwest Albacore Producers Association
F/V Cinda S
P.O. Box 146
Astoria, Oregon 97103
503 440 7499
360 642 2977

email sunnyb@centurytel.net

NMFS REPORT

National Marine Fisheries Service (NMFS) will report on recent domestic, international, and Science Center activities of interest to the Council.

Council Task:

Discussion.

Agenda Order:

- a. Activity Reports
 - 1. Domestic and International Regulatory Activities
 - 2. Science Center Activities
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. Council Discussion

Mark Helvey
Gary Sakagawa

PFMC
03/20/06



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

MAR 29 2006

Dr. Donald McIsaac
Executive Director
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384

Dear Don,

This letter is in response to the Pacific Fishery Management Council's (Council) recent decision to recommend that NOAA's National Marine Fisheries Service (NMFS) approve and issue an exempted fishing permit (EFP) to allow drift gillnet vessels, permitted by the State of California, to fish in an area currently closed under Federal regulations at 50 CFR 660.713 (c)(1), as part of the Highly Migratory Species Fishery Management Plan. I would like to thank the Council and their advisory bodies for their work on this EFP application and preparation of a comprehensive draft Environmental Assessment. I would also like to thank the Council members for their sensitivity to protected resources concerns in making their final recommendations on the EFP application. As you know, the current closure was implemented due to projected high take levels of endangered leatherback sea turtles. Take of marine mammals has also been a concern in the drift gillnet (DGN) fishery prior to the 2001 closure. Thus, I appreciate that the Council adopted a preferred alternative that includes management and mitigation measures to limit bycatch of protected species and require 100% observer coverage of vessels operating under the EFP.

Following receipt of your letter, I asked my staff to conduct an initial review of the Council's preferred alternative for consistency with the best available science and federal guidelines for processing EFP applications. Based upon their initial review of the preferred alternative, I recommend that the proposed action be modified and the serious injury or mortality cap on fin whales, gray whales and minke whales be eliminated. I have outlined the rationale for this decision below.

The Council's recommendation for the proposed EFP includes a limit of one serious injury or mortality for the following marine mammal species: short-finned pilot whale, sperm whale, humpback whale, fin whale, gray whale, and minke whale. Short-finned pilot whales, sperm whales, and humpback whales have been observed incidentally taken in the area of the current closure, north of Point Conception, California. Observer coverage of 20% has been mandatory in the DGN fishery since 1990. These three stocks currently have very low potential biological removal (PBR) levels. The PBR is the estimated highest level of annual anthropogenic removal of individuals from a stock which will allow that stock to reach or maintain its optimal sustainable population. The PBR for each stock will change based upon changes in its estimated




minimum population and status. The current PBRs for short-finned pilot whale, sperm whale, and humpback whale, to be published in the "U.S. Pacific Marine Mammal Stock Assessments: 2005," are 1.2, 1.8, and 2.3 animals, respectively. In order to avoid exceeding the PBR for these stocks, a serious injury and mortality cap of one individual from each stock, approved by the Council as part of their recommendation for the EFP, is appropriate and supported by the agency's best available science.

The current PBRs for fin whale, gray whale, and minke whale are 15, 442, and 5.8 animals, respectively. These species have not been observed taken in the closed area. Therefore, it is unlikely that fishing under the proposed EFP would result in serious injury or mortality at levels that would approach the PBR for these marine mammal stocks. Based upon the best available science, NMFS' Southwest Regional Office (SWR) has determined that the serious injury and mortality cap of one fin whale, one gray whale and one minke whale is not necessary and has therefore removed these caps from the proposed EFP action that the agency will consider for issuance.

The SWR will be following established procedures for review of this EFP application, as described in 50 CFR 660.745. The modified proposal will be subjected to an Endangered Species Act (ESA) section 7 consultation, which will evaluate whether the proposed action is likely to jeopardize the continued existence of listed species. A determination on whether or not to issue the EFP will be based, in part, on the outcome of the consultation.

Again, I thank the Council for their work on providing a well-thought out proposed action to provide fishing opportunity to DGN fishers. I look forward to working with you as the SWR continues its review of this EFP application.

Sincerely,


for Rodney R. McInnis
Regional Administrator

cc: Chuck Janisse, Federation of Independent Seafood Harvesters